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# THE ESSENTIAL COMMODITIES ACT, 1955.

[Act No. 10 of 1955]

(As applicable in Maharashtra)

(1<sup>st</sup> April, 1955)

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An Act to provide, in the interests of the general public, for the control of the production, supply and distribution of, and trade and commerce, in certain commodities. BE it enacted by parliament in the Sixth Year of the Republic of India as follows:—

## 1. Short title and extent.

(1) This Act may be called the Essential Commodities Act, 1955.

(2) It extends to the whole of India +[—————].

+ The words “except the State of Jammu and Kashmir “ omitted by Act 25 of 1968, Sec.2 and Sch. (w.e.f 15-8-1968).

### Short Notes

The history of legislation and aims object of the Essential Commodities Act, 1955, (hereinafter referred to as “E C Act”) is explained by the Supreme court in case of \* Tika Ramji -Vs- State of Uttar Pradesh. In this case, petitions were filed under article 32 of the Constitution whereby the validity of the U.P. Sugarcane (Regulation of Supply and Purchase) Act, 1953 (U. P. Act XXIV of 1953) and the notifications dated 27/09/1954 and 9/11/1955 issued by the U.P. Government thereunder was impugned. It is held that the impugned Act and the notifications dated 27/09/1954 and 9/11/1955 issued thereunder were intra-vires the State Legislature and are binding on the petitioners. It is observed in para II that Parliament enacted the Essential Commodities Act; 1955 (Act X of 1955) to provide in the interests of the general public for the control of production , supply and distribution of, and trade and commerce in, certain commodities. (\*1956 DGLS(Soft.)36 = AIR 1956 SC 676) – (**Followed in A. K Jain – Vs- Union of India, 1969 DGLS(SOLt.)236 = AIR 1970 SC 267 = (1986) 2 S C C 340**)

In case of \* *Diwan Sugar and General mills private Limited – Vs – Union of India*, it is observed that the preamble shows that it has been passed in the interest of the general, public for the control of the production, supply and distribution of and trade and commerce in, certain commodities. It is further observed in para 6 –

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“Reading section 3 of the Act with the preamble, it would be obvious that the object of the Act is to provide for control of the production, supply and distribution of, trade and commerce in, essential commodities in the interests of the general public, so that the supplies of such commodities may be maintained or increased, their equitable distribution secured and they may be available to the general public at fair prices.”

(\*1959 DGLS(Soft.) 10 = AIR 1959 SC 626) – (**Considered in** *N. Nagendra Rao and Company – Vs – State of A P*, 1994 DGLS(Soft.)781= (1994)6 S C C 205 = 1994 (5) JT 572 = 1994 (3) Scale 977 = AIR 1994 SC 2663)

In case of *Municipal Corporation of Delhi – Vs – Shiv Shanker*, 1971 DGLS (Soft) 96 = (1971) I SC 815, the question before the Court was : whether the respondent is liable to be prosecuted under the Prevention of Food Adulteration Act, 37 of 1954 for selling adulterated vinegar when the vinegar is being sold under a licence granted under the Fruit Products Order, 1955 Made by the Central Government under Section 3 of the Essential Commodities Act? The High Court held that they cannot be prosecuted. The Supreme Court held that there are no cogent or convincing reason for holding that the parliament intended by enacting the Essential Commodities Act or the Fruit Order to impliedly repeal the provisions of the Adulteration Act and the Rules in respect of the vinegar in dispute. It is further clarified—

“The provisions of the Adulteration Act and of the Fruit Order to which our attention was drawn seem to be supplementary and cumulative in their operation and no provision of the Adulteration Act or the Rules Made thereunder so as to compel the court to hold that they cannot stand together. If the Adulteration Act or Rules impose some restrictions on the manufacturer, dealer and seller of vinegar they have to comply with them irrespective of the fact that the Fruit Order imposes lesser number of restrictions in respect of these matters. The Former do not render compliance with the latter impossible, nor does compliance with the former necessarily and automatically involve violation of the latter.” **[Para 10]**

In case of \* *state of Maharashtra – Vs- Lalit Somdatta Nagpal*, questions of law relating to the application of the provisions of the Maharashtra Control of Organized Crime Act, 1999 in respect of offences alleged to have been committed under Sections 3 and 7 of the Essential Commodities Act, 1955 is decided by the Supreme Court. It is held in para 65 that the limitation of the power to impose punishment only for a maximum period of two years for an offence under the Essential Commodities (Special Provisions) Act, 1981 Act did not preclude the authorities from applying the provisions of the MCOCA for offences under section 3 & 7 of the E C Act, 1955, as well as the 1981 Act. (\*2007 DGLS(Soft) 127 = (3) Scale 49 = (2007) 4 S C C 171 = 2007 (3) JT466 = 2007 (2) Supreme 1018) – (*Lalit*

*Somdatta Nagpal – Vs – K. K. Pathak, 2005 (2) Bom.C.R. (Cri.) 62 – DB, affirmed by the Supreme Court but for different reasons)*

## 2. Definitions .

In this Act, unless the context otherwise requires,

<sup>1</sup>[(ia) “**Collector**” in any Rationing Area means the Controller of rationing designated for the area and includes the Deputy or Assistant Controller of Rationings; and elsewhere, an Collector of the District and includes Additional, Deputy or Assistant Collector, Sub-Divisional Officer and District Supply Officer within his respective jurisdiction;]

<sup>2</sup>[(ai) \_\_\_\_\_;]

<sup>6</sup>[(a) “**Essential commodity**” means \_\_\_\_\_]

(b) “**Food – crops**” include crops of sugarcane ;

<sup>4</sup>[(ba) “**Holder**”, in relation to any agricultural land, means the person in actual possession of such land, and includes a company or other body corporate, firm, association, joint family or body individuals in joint possession of such land;

(bb) “**Holding**” means the aggregate of all lands in possession of a holder;]

(c) “**Notified order**” means an order notified in the official Gazette;

<sup>5</sup>[(cc) “**Order**” includes a direction issued thereunder;]

(d) “**State Government**”, in relation to a union territory , means the administrator thereof;

<sup>5</sup>[(e) “**sugar**” means \_\_\_\_\_-

(i) Any form of sugar containing more than ninety per cent., of sucrose, including sugar candy;

(ii) Khandsari sugar of bura sugar of crushed sugar or any sugar in crystalline or powdered form; or

(iii) Sugar in process in vacuum pan sugar factory or raw sugar produced therein.]

1. Substituted by Mah Act 6 of 2003, sec.2.

2. Deleted by Mah.Act 6 of 2003 Sec. 2.

3. Inserted by Act 30 Of 1974, Sec. 2, w.e.f. 22.06.1974

4. Inserted by Mah. Act 1 of 1976 Sec.2, w.e.f.12.11.1975.

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5. Inserted by Act 36 of 1967. Sec.2 .

6. Cl.(a) omitted by Act 54 of 2006 , Sec. 2, w.e.f. 12.2.2007.

### Short Notes

**Food – stuffs – (Sec.2 (a)(v))** – (Before amendment by Act 54 of 2006) The provisions of section 2 and Orders issued under section 3 of the E C Act are considered by the supreme Court in case of *Hamdard dawakhana Wakf- Vs – Union of India, 1964 DGLS (Soft.) 310 = 1965 SC 1167*. In this case, *sharbat Rooh Afza*, which is a medicated syrup was manufactured by appellant No. 1 which contained the following ingredients: ‘Kasni seeds, Khus, pumpkin juice, Water melon juice, Chharila, Ripe grapes, spinach, Nilofar, Sandal, Gul Gaozaban, Coriandar, Carrot, Mint, kulfa, Keora, Rose Citrus Flower, Orange juice, Pine- apple Juice, Water, Sugar. The formula determining the ratio and proportion in which each one of the ingredients has to be used, has been evolved by appellant No. I as a result of various experiments spread over a long period. The manufacture of this Sharbat began in 1920. It is intended to be used for common ailments during hot season, particularly for ailments like loss of appetite, sun stoke, nausea, sleeplessness, etc. It was contended by the appellant that this “sharbat Rooh Afza” is not a foodstuff, and cannot be regarded as an essential commodity under section 2 of the E C Act, 1955.

The appellants urged that the said Sharbat is not a foodstuff, but a medicinal product and as such, its production cannot be regulated under the provisions of section 3 of the Act. According to them, the said Sharbat was not an essential commodity, nor was it a ‘fruit product’ as defined by clause 2 (d) of the fruit Order. They also urged that the impugned order was invalid, because it contravened the fundamental rights of the appellants under Art. 19(1)(f)&(g) of the Constitution; the Sharat in question was in fact a medicinal product and as such, the impugned order was inconsistent with clause 16 (1) (c) of the Fruit Order.

The Punjab High Court rejected the pleas raised by the appellants and dismissed their writ petition. The High Court has held that there was no substance in the appellants’ grievance that the Fruit Order was invalid. The High Court negative the appellants’ argument that the Sharbat in question was either prepared or sold as a medicinal product. The Supreme Court upheld the judgment of the High Court and dismissed the appeal. While dealing with the points raised and after considering Fruit products Order, 1955, it is observed-

“We have already referred to cl. 2 (d) (v) of the Fruit Order which refers to several beverages, and the residuary part of this clause takes in any other beverages containing

fruit juices or fruit pulp. The suggestion that this clause should be read *ejusdem generis* with the previous categories of beverages cannot obviously be accepted because an examination of the said beverages will disclose the fact that there is no genus by reference to take in all beverages other than those earlier specified, provide they contain fruit juices or fruit pulp. Therefore, we feel no difficulty in holding that contain fruit juices of fruit pulp. Therefore, We feel no difficulty in holding that the Sharbat in question falls within the purview of cl. 2 (d) (v) of the Fruit Order and as such, its production can be controlled by its relevant provisions.”

The supreme Court has explained the meaning of “Food-stuff” used in section 2 (a) (v) in case of *Sat pal Gupta – Vs – State of Haryana, 1982 DGLS (Soft.) 47 = 1982 (1) Scale 89 = (1982) I S C C 610 = AIR 1982 SC 798.*

The relevant observations are reproduced below-

- (i) The word ‘foodstuffs’ which occurs in clause (v) of section 2 (a) is not defined in the Act and therefore it must receive its ordinary and natural meaning, that is to say, a meaning which takes account of and accords with the day-to-day affairs of life. Cattle and poultry are living components of the natural environment and there is no reason to exclude that which they eat or feed upon, from the meaning of the word ‘foodstuffs’ If, what the human beings eat is food, so is what the other living beings eat. ‘Cattle fodder’ is expressly brought within the compass of essential commodities by sub- clause (i) of section 2 (a). It would be illogical if, in that context, rice bran is excluded from the purview of essential commodities on the ground that it is eaten by the poultry and not by Homo sapiens. **[para5 ]**
- (ii) By ‘foodstuffs’ is meant food of any kind. The Shorter Oxford English Dictionary (Third Edition) says that ‘ food’ is “what one takes into the system to maintain life and growth” According to Webster’s Third New International Dictionary, ‘food’ means “ material consisting of carbohydrates, fats, proteins and supplementary substances, that is taken or absorbed into the body of an organism in order of sustain growth, repair, and all vital processes and to furnish energy for all activity of the organism; something that nourishes or develops or sustains’, These dictionary meanings of the word “food “ are not restricted to what is eaten by human beings for nourishment and sustenance. According to them, what one takes into the system to maintain life and growth or what is taken into the system to maintain life and growth or what is taken into the body of an organism in order to sustain growth is food. **[Para 6]**



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- (iii) We are therefore of the opinion that rice bran being a foodstuff within the meaning of section 2 (a)(v) of the Act, it is an essential commodity and therefore, the, power conferred by section 3 can be used to regulate its production, sale or supply. [Para 7]

In case of *welcome Hotel – Vs State of A P*, the petitioners urged that the State Government is not competent to issue any price control measure in respect of cooked food because the E C Act, 1955 which confer any power to issue orders in respect of essential commodities does not confer any power to issue any order in respect of cooked food. After examining the definition of expression ‘foodstuffs’ in Oxford English Dictionary and Webster’s International Dictionary and some decisions bearing on the subject, it is observed that the expressions ‘food and foodstuffs’ can be used in both a wide and narrow sense and that the circumstances and background can alone determine which is proper in any given case. It is held that the expression ‘food stuffs’ must obviously include cooked food also (\*1983 DGLS (Soft) 215 = 1983(2) Scale 131 = (1983) 4 S C C 575 = AIR 1983 SC 1015) – (Referred in *Union of India – Vs – Cynamide India Limited*, 1987 DGLS (Soft) 400 = 1987 (2) JT 107 = (1987) 2 S C C 720 = 1987 (1) Scale 728 = AIR 1987 SC 1802)

In case of *Hindustan Feed Manufactures – Vs – State of Punjab*, 1994 DGLS (Soft) 345 = 1995 (Supp.1) S C C 273, the Supreme Court has interpreted the provisions of section 2. It was the contented that the power to make orders under the Act having been delegated only in respect of foodstuffs, the state Government had no power to promulgate the order which admittedly relates to the “cattle fodder”. While rejecting the contention, it is observed –

“The expression “essential commodity” has been defined under Section 2(a) of the Act wherein the commodities have been mentioned in generic sense. Even the general expressions like ‘foodstuffs’ and ‘cattle fodder’ have been given inclusive-definitions. The purpose sought to be achieved by the Act. Various classes of commodities enumerated in Section 2(a) of the Act cannot, therefore, be confined in watertight compartments. They overlap and one class may be inclusive of another. In any case, the notification dated 9-6-1978 issued by the central Government in exercise of the powers under Section 5 of the Act relates to “foodstuffs” in general. The said notification did not specifically mention any of the clauses (i) to (v) under clauses under Section 2 (a) there is no justification in restricting the same only to one clause.

**Paper – (Sec.2 (a) (vii)) - - (Before amendment by Act 54 of 2006)**

In case of Maharaja Book Depot – Vs – State of Gujarat, 1978 DGLS(Soft.) 300 = AIR 1979 SC 180 = (1979) I S C C 295, the question for consideration before the Court was : whether exercise books are covered by the item “paper” occurring in section 2 (a) (vii) of that Act as also in Entry 13 of Sch. I to the Gujarat Essential Articles Dealers’ (Regulation) Order, 1971?

It is held that that there is no ambiguity or equivocation of the item ‘paper’ occurring in section 2 (a) (vii) of the Act and item 13 of Sch. I of the Regulation Order and since an exercise-book squarely falls within the dictionary meaning of “paper” as used in the said provisions, there will be no question of construing that item narrowly so as to exclude exercise-book therefrom and in favour of the appellant/firm.

**Brick-(Section 2(a)(ix) – (Before amendment by Act 54 of 2006)**

In case of State of Uttar Pradesh – Vs – Janta In Udyog, 1990 DGL/s (Soft.) 471 = AIR 1991 SC 477 = 1991 (Supp.2) S C C 506, the question before the Court was : whether the Government of U P is Competent to insist that the brick Manufacturers should take out licence for using coal for the purpose of manufacturing bricks; the licence was insisted upon under U P Coal Control Order, 1977. The Supreme Court upheld the view of the High Court and held that the State Govt. cannot impose licence on the manufacturers of bricks for the purpose of using coal for firing bricks. It is observed that “ The State Government has Power under section 3 read with section 5 of the Essential Commodities Act, 1955 to make notified orders in respect of the essential commodities as referred to in section 2 of the Act. But section 2 (a) (xi) of the Essential Commodities Act does not specify ‘brick’ as one of the essential commodities’,

**Seeds of food-crops-(Section 2(a)(ix) – (Now See Schedule)**

In case of \*Raghu Seeds and Farms – Vs-Union of India, the petitioners have challenged the declaration of food – crops and seeds of fruits and vegetables as the essential commodities by the Government of India, Ministry of Civil Supplies contained in the order dated 24th February, 1983 also issued under the Act. The validity of the notified order was challenged on the ground that the seeds of food-crops and seeds of fruits and vegetables are not class of commodities which could be declared by the Central Government as essential commodities for the purposes of the Act. The argument was that it is so because such a commodity is not a commodity is

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not a commodity in respect of which the parliament has powers to make law by virtue of Entry 33 of List III of the VII th Schedule to the Constitution of India.

It is observed that seeds of foodstuffs is an item which has direct bearing with the production of the foodstuffs and consequently it is competent for the parliament as well as States to make laws in relation to seeds of foodstuffs. Surely seeds of food-crops and seeds of fruits and vegetables relate to foodstuffs. It is held that the notified order dated 24<sup>th</sup> February, 1983 was intra vires the powers conferred by sub-clause (xi) of clause (a) of section 2 of the Act. (*\*1993 DGLS(Soft.) 917 = (1994) I S C C 278 = 1993 (4) Scale 300 = 1993 (6) JT 386 = AIR 1994 SC 533*) – *Approved in vijay kumar – Vs – Union of India, 1998 DGLS (Soft.)507 = (1998) 5 S C C 167 = 1998 (3) Scale 328 = 1998 (4) Supreme 394 = 1998 (3) JT651 = AIR 1998 SC 2062.*

### + [2-A. Essential Commodities declaration, etc.

- (1) For the purpose of this Act, “essential commodity” means a commodity specified in the Schedule.
- (2) Subject to the provisions of sub- section (4), the Central Government may, if it is satisfied that it is necessary so to do in the public interest and for reason to be specified in the notification published in the official Gazette, amend the Schedule so as to:
  - (a) add a commodity to the said schedule;
  - (b) remove any commodity from the said Schedule, in consultation with the State Government.
- (3) Any notification issued under sub – section (2) may also direct that an entry shall be made against such commodity in the said Schedule declaring that such commodity shall be deemed to be an essential commodity for such period not exceeding six months to be specified in the notification:

Provided that the Central Government May, in the public interest and for reasons to be specified, by notification in the Official Gazette, extend such period beyond the said six months.

- (4) The Central Government may exercise its powers under Sub-section (2) in respect of the commodity to which parliament has power to make laws by virtue of Entry 33 in List III in the seventh Schedule to the Constitution.

- (5) Every notification issued under sub- section (2) shall be laid, as soon as may be after it is issued, before both Houses of Parliament.

+ Inserted by Act 54 of 2006, Sec. 3,w.e.f.12.2.2007.

**3. Powers to control production, supply, distribution, etc., of essential commodities.**

- (1) If the Central Government is of opinion that it is necessary or expedient so to do for maintaining or increasing supplies of any essential commodity or for securing their equitable distribution and availability at fair prices, <sup>1</sup>[or for securing any essential commodity for the production, supply and distribution thereof and trade and commerce therein.
- (2) Without prejudice to the generality of the powers conferred by sub- section(1), an order made thereunder may provide-
- (a) for regulation by licences, permits or otherwise the production or manufacture of any essential commodity;
  - (b) for bringing under cultivation any waster of arable land, whether appurtenant to a building or not, for the growing thereon of food – Crops generally or of specified food-crops ,and for otherwise maintaining or increasing the cultivation of food- crops generally, or of specified food – crops;
  - (c) for controlling the price at which any essential commodity may be bought or sold;
  - (d) for regulating by licences, permits or otherwise the storage, transport, distribution, acquisition, use or consumption of, essential commodity;
  - (e) for prohibiting the withholding from sale of any essential commodity ordinarily kept for sale;
  - <sup>2</sup>[(f) for requiring any person holding in stock or likely to hold in stock, or engaged in the manufacturing or production or processing of, or in the business of buying or selling, any essential commodity, to sell, the whole or a specified part of the quantity of the essential commodity held in stock or likely to be held in stock by him, or manufactured or produced or processed by him or received or likely to be received by him in his business of buying or selling, to the Central Government or a State Government or to an officer or agent of any Government or to such other person or class of persons and in such circumstances as may be specified in the order;

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**Explanation :-** An order made under this clause in respect of food- grains, may fix or provide for the fixation of, such quantity to be sold by the producer with reference to the nature and extent of his holding or the land revenue payable by him with certain weightages which may be prescribed for certain crops or lands enjoying irrigation or other facilities and also fix or provide for fixation of the quantity to be sold on a graded basis having regard to the size of the holding of different producers.]

- (g) for regulation or prohibiting any class of commercial or financial transactions relating to foodstuffs <sup>11</sup>[—————] which, in the opinion of the authority making the order, are, or, if unregulated, are likely to be, detrimental to the public interest;
- (h) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters;
- (i) for requiring persons engaged in the production, supply or distribution of, or trade and commerce in, any essential commodity to maintain and produce for inspection such books, accounts and records relation to their business and to furnish such information relating thereto, as may be specified in the order;
- <sup>3</sup>[(ii) for the grant or issue of licences, permits or other documents, the charging of fees there for, the deposit of such sum, if any, as may be specified in the order as security for the due performance of the conditions of any such licence, permit or other document, the forfeiture of the sum so deposited or any part thereof for contravention of any such conditions, and the adjudication of such forfeiture by such authority as may be specified in the order;]
- 4[(j) for any incidental and supplementary matters, including, in particular, the entry, search or examination of premises, aircraft, vessels, vehicles or other conveyances and animals, and the seizure by a person authorized to make such entry, search or examination,—
  - (i) Of any articles in respect of which such person has reason to believe that a contravention of the order has been, is being or is about to be committed and any packages, coverings or receptacles in which such articles are found;
  - (ii) Of any aircraft, vessel, vehicle or other conveyance of animal used in carrying such articles, if such person has reason to believe that such aircraft, vessel, vehicle or other conveyance or animal is liable to be forfeited under the provisions of this Act;
- <sup>5</sup>[(iii) of any books of accounts and documents which in the opinion of such person, may be useful for, or relevant to, any proceeding under this Act and the person from whose

custody such books of accounts or documents are seized shall be entitled to make copies thereof or to take extracts there from in the presence of an officer having the custody of such books of accounts of documents.]

(1) Where any person sells any essential commodity in compliance with an order made with reference to clause (f) of sub-section (2), there shall be paid to him the price therefor as hereinafter provided :-

(a) Where the price can, consistently with the controlled price, if any, fixed under this section, be agreed upon, the agreed price;

(b) Where no such agreement can be reached, the price calculated with reference to the controlled price, if any;

<sup>6</sup>[(c) Where neither clause (a) nor clause (b) applies, in the case of food-grains, the amount, if any, specified in or calculated in accordance with the order made under clause (f) of sub-section(3) read with sub-section(3-B) and in the case of any other essential commodity, the price calculated at the market rate prevailing in the locality at the date of sale].

<sup>7</sup>[(3A) (i) If the Central Government is of opinion that it is necessary so to do for controlling the rise in prices, or preventing the hoarding, of any foodstuff in any locality, it may, by notification in the official Gazette, direct that notwithstanding anything contained in sub-section (3), the price at which the foodstuff shall be sold in the locality in compliance with an order made with reference to clause(f) of sub-section (2) shall be regulated in accordance with the provisions of this sub-section.

(ii) Any notification issued under this sub-section shall remain in force for such period not exceeding three months as may be specified in the notification.

(iii) Where, after the issue of a notification under this sub-section, any person sells foodstuff of the kind specified therein and in the locality so specified, in compliance with an order made with reference to clause (f) of sub-section (2), there shall be paid to the seller as the price therefor —

(a) where the price can, consistently with the controlled price of the foodstuff, if any, fixed under this section, be agreed upon, the agreed price;

(b) where no such agreement can be reached, the price calculated with reference to the controlled price, if any;

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- (c) where neither clause (a) nor clause (b) applies, the price calculated with reference to the average market rate prevailing in the locality during the period of three months immediately preceding the date of the notification
- (iv) For the purposes of sub-clause (c) of clause (iii), the average market rate prevailing in the locality shall be determined by an officer authorized by the Central Government in this behalf, with reference to the prevailing market rates for which published figures are available in respect of that locality or of a neighbouring locality; and the average market rate so determined shall be final and shall not be called in question in any Court.]

<sup>8</sup>[(3B) where, by an order made with reference to clause (f) of sub-section (2), any person is required to sell any grade or variety of food-grains, edible oilseeds or edible oils to the Central Government or a State Government or to an officer or agent of such Government or a Corporation owned or controlled by such Government or to a person or class of persons specified in the order, either no notification in respect of such food-grains, edible oilseeds or edible oils has been issued under sub-section (3A), or any such notification having been issued, has ceased to be in force by efflux of time then notwithstanding anything contained in sub-section (3), there shall be paid to the person concerned, notwithstanding anything to the contrary contained in sub-section (3), an amount Central Government or the State Government, as the case may be,—

- (a) having regard to the controlled price, if any, fixed under this section or by or under other law for the time being in force for such grade or variety of food-grains, edible oilseeds or edible oils, or
- (b) having regard to the prices recommended by the Agricultural prices Commission for the concerned essential commodity, where no controlled price in relation to such commodity has been fixed by or under any law for the time being in force].

<sup>9</sup>[(3C) Where any producer is required by an order made with reference to clause (f) of sub-section (2) to sell any kind of sugar (whether to the Central Government or to a State Government or to an officer or agent of such Government or to any other person or class of persons) whether a notification was issued under sub-section (3A) or otherwise, then, notwithstanding anything contained in sub-section (3), there shall be paid to that producer only such amount as the Central Government may, by order, determine, having regard to —

- (a) the fair and remunerative price, if any, determined by the Central Government as the price of sugarcane to be taken into account under this section.

- (b) the manufacturing cost of sugar;
- (c) the duty or tax, if any, paid or payable thereon; and
- (d) A reasonable return on the capital employed in the business of manufacturing of sugar: Provided that the Central Government may determine different prices, from time to time, for different areas or factories or varieties of sugar: Provided further that where any provisional determination of price of levy sugar has been done in respect of sugar produced up to the sugar season 2008-2009, the final determination of price may be undertaken in accordance with the provisions of this sub-section as it stood immediately before the 1 st day of October, 2009.

**Explanation I** — For the purposes of this sub- section;—

- (a) “fair and remunerative price” means the price of sugarcane determined by the Central Government under this section;
- (b) “manufacturing cost of sugar” means the net cost incurred on conversion of sugarcane into sugar including net cost of transportation of sugarcane from the purchase centre to the factory gate, to sugarcane from the factory gate, to the extent it is borne by the producer;
- (c) “producer” means a person carrying on the business of manufacturing sugar;
- (d) “reasonable return on the capital employed” means the return on net fixed assets plus working capital of a producer in relation to manufacturing of sugar including procurement of sugarcane at a fair and remunerative price determined under this section..]

<sup>12</sup>[**Explanation II** — For the removal of doubts, it is hereby declared that the expressions “fair and remunerative price” referred to in clause (a), “manufacturing cost of sugar” referred to in clause (b) and “reasonable return on the capital employed” referred to in clause (d), of this sub-section do not include the price paid or payable under any order or any enactment of any State Government and any price agreed to between the producer and the grower of a sugarcane Growers’ co- operative society..]



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<sup>10</sup>[3D] The Central government may direct that no producer, importer or exporter shall sell or otherwise dispose of or deliver any kind of sugar or remove any kind of sugar from the bonded godowns of the factory in which it is produced, whether such godowns are situated within the premise of the factory or outside of from the warehoused of the importer or exporters as the case may be, except under and in accordance with the direction issued by the Government:

Provided that this sub-section shall not affect the pledging of such sugar by any producer of importer in favour of any scheduled bank as defined in clause (e) of section 2 of the Reserve Bank of India Act, 1934 (Act 2 of 1934) or any corresponding new bank constituted under section 3 of the banking Companies (Acquisition and Transfer of Undertaking ) Act, 1970 (Act 5 of 1970), so, however, that no such bank shall sell the sugar pledged to it except under and in accordance with a direction issued by the Central Government.

(3E) The Central Government may, from time to time, by general or special order, direct any producer or importer or exporter or recognized dealer or any class of producers or recognized dealers, to take action regarding production, maintenance of stocks, storage, sale, grading, packing, marking, weightment, disposal, delivery and distribution of any kind of sugar in the manner specified in the direction.

**Explanation:-** For the purposes of sub-section (3D) and this sub-section,-

- (a) “producer” means a person carrying on the business of manufacturing sugar;
  - (b) “Recognized dealer” means a person carrying on the business of purchasing, selling or distributing sugar;
  - (c) “Sugar” includes plantation white sugar, raw sugar and refined sugar, whether indigenously produced or imported.]
- (4) If the Central Government is of opinion that it is necessary so to do for maintaining or increasing the production and supply of an essential commodity, it may, by order, authorize any person (hereinafter referred to as an authorized controller ) to exercise, with respect to the whole or any part of any such undertaking engaged in the production and supply of the commodity as may be specified in the order such functions of control as may be provided therein and so long as such order is in force with respect to any undertaking or part thereof,—
- (a) the authorized controller shall exercise his functions in accordance with any instructions give to him by the Central Government, so, however, that he shall not have any power to

give any direction inconsistent with the provisions of any enactment or any instrument determining the functions of the persons in charge of the management of the undertaking, except in so far as may be specifically provided by the order; and

(b) the undertaking or part shall be carried on in accordance with any directions given by the authorized controller under the provisions of the order, and any person having any functions of management in relation to the undertaking or part shall comply with any such directions.

(5) An order made under this section shall, —

(a) in the case of an order of a general nature of affecting a class of persons, be notified in the official Gazette; and

(b) in the case of an order directed to a specified individual be served on such individual—

(i) by delivering or tendering it to that individual, or

(ii) if it cannot be so delivered or tendered, by affixing it on the outer door or some other conspicuous part of the premises in which that individual lives, and a written report thereof shall be prepared and witnessed by two persons living in the neighbourhood.

(6) Every order made under this section by the Central Government or by any officer or authority of the Central Government shall be laid before both Houses of parliament, as soon as may be, after it is made,

**1. Inserted by Act 36 of 1967, Sec. 3, w.e.f.30.12.1967.**

**2. Clause (f) substituted by mah. Act 1 of 1976, Sec. 3, .w.e.f.12.11.1975.**

**3. Inserted by Act 17 of 1961, Sec. 2.**

**4. Substituted by Act 66 of 1971, Sec. 2, w.e.f.23.12.1971.**

**5. substituted by Act 92 of 1976, Sec. w. e. f. 2.9.1976.**

**6. Substituted by Mah. Act 1 of 1976, Sec.3, w. e. f. 12.11.1975.**

**7. Inserted by Act 13 of 1957, Sec.2, w. e. f. 4.6. 1957 .**

**8. Substituted by Mah . Act 1 of 1976, Sec. 3,w. e. f. 12.11.1975.**

**9. Substituted by Act 36 of 2009, Sec. 2, w. e. f. 01.10.2009.**

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10. Inserted by Act 37 of 2009, Sec. 2, w. e. f. 14.6.1999.
  11. The words “ or cotton textiles” omitted by Act 54 of 2006, Sec. 4, w. e. f. 12.02.2007.
  12. Explanation to sub- section (3C) is renumbered as Explanation I to that sub- Section and Explanation II added by Act 35 of 2010, Sec. 2, w. e. f. 01.10.2009.
- NB- please see section 6 of Act 54 of 2006 for saving of Orders issued under section 3.**

### **Short Notes**

#### **Synopsis**

- (i) Interpretation.
- (ii) Requirements of section 3.
- (iii) Fair price shop.
- (iv) Foodgrains Dealers.
- (v) Catering Establishments.
- (vi) Cotton Orders.
- (vii) Drugs (Prices Control ) Order.
- (viii) Kerosene.
- (ix) Mah. Scheduled Articles (Display and Marking of prices) Order, 1966.
- (x) Maharashtra Solvent Raffinate and Slop (Acquisition, sale, Storage and prevention of Use in Automobiles) Licensing Order, 2000.
- (xi) Motor spirit and High Speed Diesel (Regulation of Supply, distribution and prevention of Malpractices) Order, 1998.
- (xii) Sugar.
- (xiii) Wheat.

#### **(i) Interpretation**

The provisions of section 3 of the E C Act are interpreted by the Supreme Court In case of *Narendra kumar- Vs- union of India, 1959 DGLS(Soft.)209= AIR 1960 SC 430*. It is observed in para 6 –

“ It is clear therefore that when section 3 confers power to provide for regulation or prohibition of the production, supply and distribution of any essential commodity it gives such power to make any regulation or prohibition in so far as such regulation and prohibition do not violate any fundamental right granted by the Constitution of India”,

In case of *Hamdard dawakhana Wakf – vs- Union of India, 1964 DGLS (Soft.) 310 = AIR 1965 SC 1167*, while interpreting section 3, it is observed “ It would thus be clear that the Act confers power on the Central government central government to regulate the production, supply and distribution of essential commodities. This power is conferred in a very general and wide sense by section. 3(1). There can be little doubt that the power to regulate the production of an essential commodity will include the power to regulate the production of an essential commodity will include the power to regulate the production of an essential commodities which may operate either qualitatively or quantitatively. In other words, in regard to essential commodities, the central government is given the power to direct how certain essential commodities should be produced and in what quantity. This power, of course, can be exercised only if the condition precedent prescribed by section 3(1) is satisfied, and that is that the central government should be of opinion that it is necessary or expedient to regulate the production of any essential commodity for one of the purposes mentioned by it. “ **[Para 10]**

In case of *Chinta Lingam: Guggila Ramaiah –Vs – Government of India: Union of India, 1970 DGLS (Soft). 472 = AIR 1971 SC 474 = (1930) 3 S C C 768*, the petitioner challenged the constitutionality and validity of the provisions of three Control Orders issued under section 3(2)(d) of the E C Act, 1955 The validity of section 3 (2) (d) of the Act itself was also assailed. These Control Orders are:

- (i) The Rice (Southern Zone) Movement Control Order, 1957
- (ii) The Southern States (Regulation of Exports of Rice) Order, 1964; and
- (iii) The Andhra Pradesh Rice and paddy (Restriction of Movement) Order, 1965.

On behalf of the writ petitioner and the appellants, following contentions were raised-

1. All the three Control orders offended Art. 303 of the Constitution. They suffered from the vice of discrimination between one state and another and of preference to one State over another.

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2. These orders were in the nature of executive instructions and did not fall within the meaning of subordinate legislation.
3. Even if the Control Orders could be regarded as subordinate legislation they were not saved by Art. 303 (2) in the absence of the declaration contemplated thereby.
4. The requisite opinion of the Central Government within s. 3 (1) of the Act was not to be found in any of the Orders.
5. The Control Orders imposed unreasonable restrictions on the right of the petitioners to carry on trade as arbitrary powers had been conferred in the matter of issuing or withholding permits and there were no provisions for appeal or revision against refusal to grant a permit.

While dismissing the appeals/petitions, it is held——

- (i) The Control Orders were made under section 3 of the Act. The object essentially was to regulate the export and movement of rice and of rice and paddy products from the Southern States. These Control Orders were laid before both Houses of parliament as required by sub- section (6) f section 3 of the Act. It has not been shown how this form of legislation would be mere executive instruction and would not constitute law made by parliament within the meaning of Art. 302. No foundation was laid in the pleadings either before the High Court or in the writ petition before us as to how the restrictions which were imposed by the Control Orders were not the public interest.
- (ii) It is significant that even on the point of preference to one State over another or discrimination between one State and another State there is complete absence of pleading in the writ petition filed before us. The High Court adverted to the matter but we have not been shown that any proper of firm foundation was laid in the writ petitions before the High Court on the question of preference or discrimination within Art. 303 (1).
- (iii) No argument, therefore, can be entertained on these matters. We are unable to see the necessity of reciting the requisite opinion within section 3 (1) of the Act in the Control Orders. It is implicit in the recital in the Control Orders that they were being made under section 3 of the Act that the Central Government had formed the requisite opinion within sub- section (1) of that section. This disposed of the first four contentions.

In case of *\* prag lce and Oil Mills : Nav Bharat Oil Mills- Vs- Union of India*, the validity of the Mustard Oil (Price Control ) Order, 1977, was questioned before the larger

Bench of the Supreme Court and thought the petitions were dismissed, different reasonings are given by two sets of Judges. The validity of Order was questioned on the following grounds, namely, that it violates the fundamental rights of the petitioners to property under Article 19 (1)(f) and to carry on their trade and business guaranteed by article 19(1)(g) of the Constitution; secondly, that the petitioners are denied the benefits of Article 14 of the Constitution; thirdly, that the Control Order is outside the scope of section 3 of the Act. The Contention of the petitioners that the impugned price Control Order is so unreasonable as to be constitutionally invalid was rejected by the Court. While answering the contention of the petitioner that the price Control Order is arbitrary because it is not limited in point of time, it is observed that the same is without any merit. It is further clarified-

“In the very nature of things, Orders passed under s. 3(1) read with s. 3(2) of the Essential Commodities Act are designed primarily to meet urgent situations which require prompt and timely attention. If a price control order brings about an improvement in the supply position or if during the period that such and order is in operation there is a fall in prices so as to bring an essential commodity within the reach of the ordinary consumer, the order shall have lost its justification and would in all probability be withdrawn.”

(\*1978 DGLS (Soft.)70- FB = (1978)3 S C C 459 = AIR 1978 SC 1296)(**Considered in** *Union of India -Vs - Cynamide India Limited*, 1987 DGLS (Soft.) 400 = 1987 (2) JT 107= (1987) 2 S C C 720 = 1987 (1) Scale 728 = AIR 1987 SC 1802, *Sitaram Sugar Company Limited - Vs - Union of India*, 1990 DGLS(Soft) 144- (5 judges Bench ) = (1990) 3 S C C 223 = 1990 (1) JT 462 = 1990 (1) Scale 475 = AIR 1990 SC 1277 and *Glaxosmithkline pharmaceuticals Ltd. - Vs - Union of India*, 2004 (Supp. 2) Bom. C. R. 320 – DB- (**Followed in** *Gupta Sugar Works - Vs - State of Uttar Pradesh*, 1987 DGLs (Soft.) 763 = 1987 (4) JT 154 = 1987 (Supp.1) SCC 476 = 1987 (2) Scale 824 = AIR 1987 SC 2351 and *H.S.S.K. Niyani -Vs- Union of India*, 1990 DGLS (Soft.) 421 = 1990 (2) Scale 286 = (1990) 4 S C C 516 = 1990 (3) JT 579 = AIR 1990 SC 2128)-(Distinguished in *Union of India - Vs - Ranbaxy Laboratories Ltd*, AIR 2008 SC 2286 = 2008 (6) JT 647 = 2008 (9) Scale 371 = (2008)7 S C C 502 = 2008 (4) Supreme 445)

### (ii) Requirements of section 3.

In case of \**Sitaram Sugar Company Limited - Vs- Union of India*, it is observed that what is required by sub- section (3-C) of section 3 is the adoption of a valid classification of factories having a rational nexus to the object sought to be achieved, viz. determination of a fair price of sugar with reference to which the actual amounts payable to the producers, in the circumstances attraction the sub- section, are calculated. The Price of sugar must be determined

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by the Central government having regard to the factors mentioned in clauses (a) to (d) of sub – section (3-C). This is done with reference to the industry as a whole and not with reference to any individual seller. (\* 1990 DGLS(Soft.) 144-(5 judges Bench) = (1990) 3 S C C 223 = 1990 (1) JT 462 = 1990(1) Scale 475 = AIR 1990 SC 1277) – Followed in *H. S. S. K. Niyami –Vs- Union of India*, 1990 DGLS (Soft.) 421 = 1990(2) Scale 286 = (1990) 4 C C 516 = 1990 (3) JT 579 = 1990 SC 2128)

It is observed in *H. S. S. K. Niyami – Vs- Union of India*, 1990 DFLS(Soft.) 421 = 1990 (2) Scale 286 = (1990) 4 S C C 516 = 1990 (3) JT 579 = AIR 1990 SC 2128 that Section 3 (3C) is constitutionally valid and unassailable and the point is no longer *res integra* since it is covered by a recent Constitution Bench judgment of Supreme Court in *M/s. Shri Sitaram Sugar Company – Vs- Union of India*, (1990) 3 S C C 220 = 1990 (1) Scale 475 = AIR 1990 SC 1277.

It is provided in sub – Section (6) of section 3 that every order made under this section by the Central Government or by any officer of authority of the Central Government shall be laid before both Houses of parliament, as soon as may be, after it is made. The effect of non – Compliance of this provision is considered by the Supreme Court in case of *Atlas Cycle Industries Limited –Vs- State of Haryana*, 1978 DGLS (Soft.) 276 = (1979) 2 S C C 196 = AIR 1979 SC 1149. The relevant question before the Court Was: whether the impugned notification fixing the maximum selling price of the commodity in question is void for not having been laid before both Houses of Parliament? It is held in para 32-

“From the foregoing discussion, it inevitably follows that the Legislature never intended that non- compliance with the requirement of laying as envisaged by sub- section (6) of Section 3 of that Act should render the order void. Consequently non – laying of the aforesaid notification fixing the maximum selling prices o various categories of iron and steel including the commodity in question before both Houses of parliament cannot result in nullification of the notification. Accordingly, we answer the aforesaid question in the negative.”

In case of *Akhil Bharatiya Dhan Utpadak Kisan Bachao Samity – Vs-State of Maharashtra*, 1992 (0) BCI 42 = 1992 (2) Mah L J 1599 – DB, the Court tried following questions –

- (i) Whether the State Government can suspend the operation of the Maharashtra Rice (Levy on Rice – Millers) Order, 1989 without the prior concurrence of the Government of India, and, if not, (ii) the effect on transaction entered into by traders and/or rice-millers acting on the representation of such suspension? It is held-

The true import of that provision need not detain us for here the order itself requires the prior concurrence of the GOI in case the GOM wants to exempt any area or class of millers from levy. By suspending levy in the entire State, the State Government has exempted the entire state from the operation of the order. For this it did not obtain the prior concurrence of the operation of the order. For this it did not obtain the prior concurrence of the power to exempt which it has assumed by the issue of the suspension orders impugned in the petition of the Samiti. The said suspension is bad in law. The State has therefore rendered itself amenable to the mandate of this Court that it do enforce the order. **[para 10]**

**(iii) Fair price Shop.**

In case of *Madhya Pradesh Ration Vikreta sangh Society –Vs- State of Madhya Pradesh, 1981 DGLS(Soft.) 418 = (1981) 4 S C C 535 =1981 (3) Scale 1420 = AIR 1981 SC 2001*, the question for consideration before the Court was: Whether the M.P. (Foodstuffs) Civil supplies Public Distribution Scheme, 1981, formulated by the State Government under sub-clause (d) of Clause 2 of the M.P. Foodstuffs (Distribution) Control Order, 1960, introducing a new scheme for running of government fair price shops by agents to be appointed under a Government scheme giving preference to cooperative societies, in replacement of the earlier scheme of running such fair price shops through retail dealers appointed under Clause 3 of the Order, is violative of Articles 14 and 19 (1)(g) of the Constitution?

Under the impugned scheme, the Collector, by virtue of Cl. 3, was to establish fair price shops, the Collector was to follow Certain guidelines. These are: (a) that a shop should be established for each area with a population of 2,000 and the consumers should not be required to travel more than 5 km. for purchasing foodstuffs, (b) in the urban areas for the purpose of demarcation of areas, a Ward or a Mohalla is a unite, (c) the location of fair price shop shall be, as for as possible, in the central of such are, for meeting the requirements of, the residence for which it is established. While upholding the validity of scheme, it is held —

- (i) The action of the State Government in entrusting the distribution of foodstuffs to consumers' co-operative societies, though drastic, was an inevitable step taken in the interests of the general public. The State Government was not bound to give the fair price shops to the retail dealer under a Government scheme. The governmental action in giving preference to consumers' co-operative societies cannot be construed to be arbitrary or uncanalised for appointment as agents for the purpose of grant or refusal of applications for appointment as agents for the purpose of running air price shops.



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The scheme lays down detailed guidelines regulation the manner of grant or refusal of such applications. **[para 7]**

(ii) The question whether fair price shops in the State of Madhya Pradesh under a Government scheme should be directly run by the Government through the instrumentality of consumers' co-operative societies as its agents or by retail dealers to be appointed by the Collector under Clause 3 of the Control Order, is essentially a matter of policy with which the Court is not concerned. **[para 9]**

(iii) The constitutionality of the impugned scheme is also challenged as abridging Article 19 (1) (g) of the Constitution. The short answer to the challenge is that the scheme in no way infringes the petitioners' right to carry on their trade in foodgrains. They are free to carry on business as wholesale or retail dealers in foodgrains by taking out licences under the M. P. Foodgrains (Licensing) order, 1964. There is no fundamental right in any one to be appointed as agent of a fair price shop under a Government Scheme. **[para 10]**

In case of *Bhagwan Bhudhaji kandare –Vs- G.S. Kolambe, Tahsildar, 1976 U.C.R. (Bom.) 332-DB*, two petitions were directed against the orders of the Tahsildar, Jalgaon, under which “the Fair Price Shop” belonging to the petitioners have “been suspended till further Orders”. It was not in dispute that an authorisation as contemplated under Clause 2-A of the Maharashtra Scheduled Articles (Regulation of Distribution by Card System) Order,1968, was also issued in the name of both the petitioners. While dismissing the petition, it is observed

“As indicated earlier, the suspension under sub-clause (4) of Clause 2-A of the 1968 Order, appears to have been designed to meet a contingency where some proceedings for cancellation of the licence were imminent or contemplated. In the very nature of things, an elaborate inquiry that is to follow at the time of cancellation cannot be expected when the authorization is merely required to be suspended. All that is necessary at this stage is that there exists some prime facie material and Tahsildar applies his mind to it before the order of suspension is passed. The affidavit of the Tahsildar does indicate that the order of suspension was passed by him after some inquiry.....It is difficult to hold that this inquiry and the material could not have been sufficient for the limited purpose of suspending the licence. It is not necessary for the Tahsildar to give a show cause notice to the affected persons and give hearing to them at this stage.”

In case of *Chandrakant Pinayamal Motwani -Vs- State of Maharashtra 2000(Supp.) Bom.C.R. 105-SB = 2000 (2) Mah L J 664*, the High Court has considered the provisions of Cl. 7 and 20 of the Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975, and observed that the contention raised on behalf of the accused No.1 that there has to be prohibition in respect of the palm oil as such is without any substance. The prohibition was imposed with regard to all edible oils and palm oil being edible oil, the prohibition is applicable to it. In this case, as per the report of the District Public Health Laboratory, Barshi, the tins which were seized from the possession of the accused No.1. were of palm oil, which is an edible oil. The High Court has set aside the acquittal and accused was convicted.

In case of *District Collector=Vs- B. Suresh, 1999 DGLS(Soft.) 374 = 1999 (9) JT 151 = 1999 (9) Supreme 227 = (1999) 5 SCC 612*, the question before the Court was: whether the respondents, who were appointed as Fair Price Shop Dealers under the A. P. Scheduled Commodities (Regulation of Distribution by Card System) Order, 1973, can claim a right to be noticed when the State government decides to bifurcate the shops and reduce the number of cards?

The High Court by the impugned judgment, being of the opinion that such Fair price Shop Dealers are to be noticed before any alteration is made, has quashed the decision of the government. The State assailed the aforesaid judgment of the High Court. The Supreme Court allowed the appeal and held that under the Order, 1973, which order has been framed under the provisions of the E C Act, 1955, a Fair Price Shop Dealer has no right to be appointed as such dealer. The licence which such dealer has obtained under the provisions of the Act to deal with the commodities has not been cancelled. The right to trade under Article 19(1)(g) of the Constitution of India is not being affected in any manner. The government, as a policy decision, decided to reduce the number of cards per dealer. Such decision, does not affect the rights, if any, of the Fair Price Shop Dealers, and as such, the High Court was in error to hold that they were to be given any notice prior to the impugned decision of the State government.

In the case of *Parmeshwar Siharatan Bohara -VS- State of Maharashtra, 1997(Supp.) Bom C R 302 = 1997(2) Mah L J 252-DB*, on reading of Cl, 24 of Maharashtra Schedule Commodities (Regulation of Distribution) Order, 1975, it is observed that “A plain reading of the said clause shows that if a person is aggrieved by the order passed by the Collector, revision will lie before the Commissioner; and if one is aggrieved by the order passed by the Commissioner a revision will lie before the State Government.”.

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In case of *Sushilabai Manoharrao Kulkarni -Vs- Kachruappa Laxmanappa Tamshete, 2008(Supp.) Bom.C.R. 229-DB*, the High Court has considered the provisions of Cl.3 of the Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975. In this case, the order was passed by District Supply Officer, Parbhani under Clause 3(4) of the Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975, by which authorisation of the petitioner in relation to fair price shop (food grains) as well as licence for kerosene came to be suspended and the amount deposited towards security deposit, for both these authorisation and licence, also came to be forfeited, was impugned before the State (Minister) and the same was modified. The Order of State (Minister) was under challenged in writ petition. While setting aside the order of Revisional authority, it is observed-

“Having heard the learned Counsel and considering the order impugned, it is not possible to accede to reasons of the Revisional Authority. In my view, non-displaying the stock is serious and grave circumstance against the respondent No.1. Countless beneficiaries for whom the Targeted Public Distribution System is made operational, are suffering. The Appellate Authority has recorded a finding that the respondent No.1 was selling the scheduled commodities for more price than slated by the State Government. This finding, even, is not referred to by the Regional Authority. Running a fair price shop may be a means of sustenance to the family of respondent No.1, however, scheduled commodities (food grains) made available at fair price shop and kerosene, is necessary for large number of families in their day to day chore. The inconvenience and sufferance to the large number of beneficiaries, a finding of fact recorded by the Tahsildar, Supply Officer and Appellate Authority, Deputy Commissioner, could not have been lightly set aside by the Revisional Authority. The order impugned, in this writ petition, in my view, is’ perverse and needs to be quashed and set aside.”

In the case of *Sadichha Mahila Mandal -vs- State of Maharashtra, 2006(3) Bom. C. R. 107-DB = 2006 (2) Mah L J 528*, the Court has considered the provisions of Cl. 30 of the Maharashtra Foodgrains Distribution (Second) Order of 1966 and held -

“It was plain and simple second revision application to the same authority which ought not to have been entertained. We are of the view that the first respondent had no power of entertaining second revision application after the first revision application was dismissed on merits. The impugned order is clearly beyond the powers of the respondent No. 1.”

In case of *Suryakant Govindrao shinde -Vs- State of Maharashtra, 2005(4)*

*Bom. C.R. 168-DB = 2005 (3) Mah L J 218*, the High Court has considered the provisions of Cl. 30 of the Maharashtra Foodgrains Rationing Order, 1966. The validity of allotment of additional Fair Price Shop was challenged before the Court. It is held that after Government Resolution of 9-6-2000 the procedure for allotment of shops has been substantially changed and Government Notification of 1999 provided that only one shop be allotted for each area. The Government Resolution of 2000 made it clear that additional shops cannot be allotted unless fresh notification is issued for that. In view of this position, it is held, the State Government in revisional power cannot do which the Rationing Officer could not do himself i.e. could not allot additional shops.

In case of *\*Smt. Anita Deoraj Naidu -vs- State of Maharashtra, ,* it was contended that the second revision was not maintainable considering Rule 24 of the Maharashtra Schedule Commodities (Regulation of Distribution) Order, 1975 made in exercise of the Orders under Essential Commodities Act, 1955. While rejecting the contention, it is held -

“On a reading of Rule 24 of the said order, it becomes clear that the Revisional power can be exercised by preferring revision before the Commissioner if the order be of the Collector and if the order be of Commissioner to the State Government. In other words, the revisional forum is available either before the Commissioner or State Government depending upon, whose order is being challenged. The first proviso as set out earlier, however would show that apart from exercise of power of revision in the first part, proviso further provides for exercise of revisional power by the State Government any time during the pendency of the enquiry or proceedings or within one year of any order passed by the Officer under the provision prescribed by or under this order. Normally proviso has to be read as an exception to the rule. In the instant case, looking at the proviso itself it is clear that in a case where Commissioner exercises revisional power, it is open to the State Government to further exercise revisional power. **[Para 5]**

(\*Writ Petition No. 2305 OF 1998, decided on 18.02.2005, Corum. F.I Rebello & s. P. Kukday, JJ) - (**Followed in** *Smt. Savitri Chandrakesh Pal -Vs- State of Maharashtra, 2009(4) Mah L J 883-SB*)

In case of *Pritam Padmakar Pawaskar -Vs- Devache Gotne Vividh Karyakari Sahakari Society Ltd., 2001 (Supp.) Bom. C.R. 609-DB*, allotment of fair price shop to the petitioner was the issue before the Court. The Court has considered Government Resolution dated 12.11.2001 and observed-

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“By this Resolution the Government has laid down priority list and guidelines for the allotment of ration shops. In para 3 of the said Resolution it is specifically mentioned that the persons or institutions mentioned in para 1 may not be allotted more than one ration shop. As far as first para of the said resolution is concerned, under Clause (b) of the said para the Co-operative Societies are also covered. The 1st respondent being Co-operative Society in our opinion is also covered by the aforesaid clause of the Government Resolution dated 12th November 1991, and therefore, is not entitled for more than one ration shop.

In case of *Mitradevi @ Minitradevi Amrutlal Gupta -Vs- State of Maharashtra, 2003(1) Bom.CR. 456-DB = 2003 (1) Man L J 795*, three petitions were filed by the petitioners being aggrieved and dissatisfied with the orders passed by the authorities in exercise of powers under the Maharashtra Scheduled Commodities Distribution (Second) Order, 1966. It was contended on behalf of the petitioners; whose applications were rejected and whose revision petitions were dismissed, that the authorities below have not considered the relevant provisions as also guidelines prescribed by the Government for grant of licence to run a ration shop; resolution issued by the Government on June 9, 2000 have not been followed; priority which ought to have been given has not been given. While setting aside impugned orders and remanding the matter, it is observed that admittedly the order of the Hon'ble Minister is not in conformity with the above Resolution and guidelines.

In case of *Kum. Nirmala Tikana Giripo -Vs- State of Maharashtra*, Writ Petition No.1043 Of 2008, decided on 20th November, 2008, Coram: V. C. Daga, J, petition was directed against the order dated 8.2.2008 passed by the Respondent No.3- the Hon'ble Minister, Food and Civil Supplies, Mantralaya - Mumbai, whereby the order of allotment of the ration shop in favour of the Petitioner is set aside and direction to the Respondent No.2, the Controller of Rationing, to allot the ration shop to the Respondent No.4 - Smt Sharmila Surendra Gupta was issued.

The Petitioner, while challenging the grant of ration shop in favour of the Respondent No.4, reiterated that she was categorised in priority no.8, whereas the Petitioner was categorized in priority no.1. The petitioner tried to emphasize that the premises sought to be shown as available for running ration shop by the Respondent No. 4 was factually not available with her either on the date of application or at any rate on the cut off date. It was further contended that that no evidence was available on record of the Deputy Controller of Rationing showing the financial capability of the Respondent No.4 to run ration shop either on the date of application or cut off date. While turning to

the impugned order, it was urged that, one line order passed by the Respondent No.3, in favour of the Respondent No.4, holding that she fulfilled all requirements of the grant, is unsustainable being perverse, arbitrary, tainted with bias suffering from lack of transparency.

After considering the submissions, it is observed in para 20 that the impugned order is liable to be set aside being arbitrary, perverse suffering from lack of transparency for want of reasons in support of grant in favour of the Respondent No.4. While setting aside impugned order, it is observed-

- (i) In the instant case, no reasons are available on record as to on what basis the Hon'ble Minister has come to the conclusion that the Respondent No.4 fulfils all the conditions, whereas more than three shortcomings in her application were pointed out by the Deputy Controller of Rationing and accepted by the Controller of Rationing based on the material available on record. It was expected on the part of the Respondent No.3 to deal with each and every shortcoming pointed out by the authorities below while rejecting claim of the Respondent No.4, so that this Court could examine the validity of the reasons so recorded. **[Para 28]**
- (ii) The Appellate Authority or the Revisional Authority while setting aside the order under challenge is expected to deal with each and every adverse finding suffered by the person in whose favour the order is to be passed. The impugned order does not deal with any of the findings adverse to the Respondent No.4, which led to rejection of her application for allotment of ration shop. The impugned order is therefore perfunctory and has passed in a most casual manner. **[Para 32]**

In case of *Ramprasad Ramchandra Chavan -Vs State of Maharashtra, 2010(4)Mah L J 82-DB*, it is held that power of review exercised by the Minister is beyond the provisions of Cl. 24(2) of the Maharashtra Schedule Commodities (Regulation of Distribution) Order, 1975. While dismissing the appeal,. it is Observed-

- (i) It is seen that learned Single Judge found that the power of review available to the Hon'ble Minister under Clause 24 (2) of said orders which provided for a review prescribes the grounds on which review could be entertained. **[Para 20]**
- (ii) It is obvious that the review was not done by the Minister on the ground of error apparent on the face of record. **[Para 21]**

**(iv) Foodgrains Dealers.**

In case of *Sukhwinder Pal Bipan Kumar -Vs- State of Punjab, 1981 DGLS (Soft) 478 = (1982) 1 S C C 31 = AIR 1982 SC 65 = 1981 (3) Scale 1795*, the constitutional validity of the second proviso to sub-clause (1) of Cl. 11 of the Punjab Foodgrains Dealers Licensing and Price Control Order, 1978 as inserted by the Punjab Foodgrains Dealers Licensing and Price Control (First Amendment Order, 1980, with effect from March 27, 1980, was challenged before the Supreme Court, as violative of Arts, 14 and 19 (1) (g) of the Constitution, as also the legality and propriety of the action of the licensing authorities in suspending the licences held by the petitioners.

It appears from the facts that the licences held by the petitioners who are foodgrains dealers in the State of Punjab, have been suspended by orders 'passed by the District Food and Supplies Controllers, Faridkot and Bhatinda, -for a period not exceeding ninety days under the second proviso to sub-cl. (1) of Cl, 11 of the Order. The orders of suspension of licence were passed on the allegation that the licensee has committed a breach of conditions Nos. 4, 8 and 10 of the licences. The Supreme Court upheld the validity of Order and it is held that it does not violate either Article 14 or Article 19 (1)(g) of the Constitution of India. It is held in para 9-

“The conferral of the power of suspension of the licence of a foodgrains dealer under the second proviso to sub-cl.(1) of Cl. 11 of the Order during the pendency or in contemplation of the proceedings for cancellation of his licence, is an important step taken by the Government to subserve the object of the legislation and is in public interest. It cannot be said that the second proviso to sub-cl. (1) of Cl.11 of the Order does not satisfy the test of reasonableness. It seeks to strike a proper balance between the freedom of trade or business guaranteed under Art 19 (1) (g) and the social control permitted by Cl. (6) of Art. 19 of the Constitution. It is, therefore, difficult to hold that the second proviso to sub-cl. (1) of Cl. 11 of the Order is of an excessive nature beyond what is required in the interests of the general public.”

In case of the *Wholesome Grain and Seed Merchants Association, Nagpur - Vs- The State of Maharashtra, 1968. BCI (0) 51-DB = AIR 1968 Born 75*, the Division Bench upheld the validity of the Maharashtra Foodgrains Dealer's Licensing Order, 1963. It is observed in para 37-

“As we have observed earlier, the Foodgrains Dealers Licensing Order or the Foodgrains (Control on Margin of Profit) Order] 1963, does not regulate trade at all

levels and it leaves free some fields of trade activities for the sake of wholesaler or retailer as well as for traders. Where complete control is established, procurement, preservation, purchase, sale and supply of foodgrains will be controlled at every stage including the price at which it may be sold or purchased. The Orders under challenge in this petition do not attempt to impose an overall control. They have apparently left free the wholesaler or the retailer to procure foodgrains at such price as he can get and over and above his price certain limit of margin of profit is fixed before a dealer sells the foodgrain either to a consumer or to a retailer or even to another wholesaler. This, it appears, was the scheme of the two Control Orders. We, therefore, do not see how in implementation of this scheme, the State Government could be said to be acting beyond its powers in fixing the rate of margin of profit within which the sale price of foodgrains is to be charged by a wholesaler or by a retailer. The State Government has chosen this mode of ensuring supply of food grains at a fair level of price and in order to achieve that object, it seems to have fixed a limit on the rate of the margin of profit at which the transaction may be done by a wholesaler or a retailer, as the case may be.”

In case of *Khushalchand Bhaiyalal Jain -Vs- State of Maharashtra*, 1969 BCI (0) 30-SB = AIR 1969 Bom 70, the short question before the Court was: whether the conviction 7(1)(a)(I) of the E C Act for his failure to maintain a register of retailers in Form D as required as required by Clause 7(A) of the licence given under the Maharashtra Foodgrains Dealers Licensing Order 1963, is proper? The applicant was a dealer who admittedly holds a licence issued under the Maharashtra Food grains Dealers Licensing Order 1963.

While setting aside the conviction, it is observed that the facts in the instant case will show that the prosecution has completely failed to establish that the wholesaler has sold foodgrains to any retailer. The prosecution evidence does not even go so far as to show that at any time the foodgrains were purchased by any retailer from the applicant. It is held that the applicant, therefore, could not be said to have committed any breach of the condition No. 7-A of the licence issued to him under the foodgrains Dealers licensing Order, 1963.

#### **(v) Catering Establishments.**

In case of *Krishna Bhawan -Vs- Government of A P*, 1987 DGLS(Soft.) 573 1987(Supp.1)S C C 435, a notification of the government of Andhra Pradesh purporting to have been issued under the powers conferred by the Andhra Pradesh Catering Establishments (Fixation and Display of Prices of Food Supplies) Order, 1978, was questioned on the ground that it is too general, vague, unworkable and oppressive. The most important direction contained in the notification was direction No.2, which provides that the catering



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establishment shall make available idli and sada dosa, - plate meals, coffee, tea etc.at certain fixed hours. It is held that it is absurd to insist that idli, dosa and vegetarian plate meals as contemplated by the direction should be supplied at such establishments also during the specified hours. The impugned notification was struck down by the Court.

### **(vi) Cotton Orders.**

The provisions of Cotton Textile Order, 1948 are considered by the Supreme Court in case of "*Shree Meenakshi Mills: Bihar Cotton Mills -V Union of India*, The question for consideration before the Court was: whether cotton yarn is covered in cotton textile under the Cotton Textile Order,1948, which is the relevant statute. The petitioners contended that cotton yarn is not cotton textile for these reasons. It is held in para 2 I -

"The legislative practice shows that cotton textile is a generic term which includes cotton fabric and yarn. One of the methods of construction of statutes is to ascertain the setting and circumstances in which the words are used. The entire product is cotton textile. Yarn is the material or component with which cotton textile is manufactured or woven."

(\*1973 DGLS(Soft.) 366 = AIR 1974 SC 366 = (1974) 1 sec 468) - (**Referred in Union of India -Vs- Cynamide India Limited, 1987 DGLS(Soft.) 400 = 1987 (2) JT 107 = (1987) 2 S C C 720 = 1987 (1) Scale 728 = AIR 1987 SC 1802**)- (**Ratio explained in Prag Ice and Oil Mills: Nav Bharat Oil Mills -Vs- Union of India, 1978 DGLS (Soft.) 70-FB = (1978) 3 S C C 459 = AIR 1978 SC 1296**)

In case of *Ruby Mills Limited -Vs- Textile Commissioner, 2002(1) Born. C.R, 1 -DB = 2002 (2) Mah L J 551*, the High Court has considered the issue about effective date of operation of notification dated 7-4-1994 issued under Clause 4(1) of the Cotton Control Order, 1986. It is held that though the notification is published in news-paper on 8.4.1994, in Official Gazette on 12.04.1994 but the said notification having been made available for sale on 26-4-1994, this was the effective and publication of the said notification shall be deemed to have been made' on 26-4-1994 only. The High Court has quashed the FIR based on notification dated 7.4.1994 taking that to be effective date.

### **(vii) Drugs (Prices Control) Order.**

In case of \**Union of India -Vs- Cynamide India Limited*, the Supreme Court has considered the grievance about the unscrupulous exploitation of the Indian Drug

and Pharmaceutical Market by multinational corporations by putting in circulation low-quality and even deleterious drugs. In this group of cases, the Court has dealt with the problem of high prices of drugs and law relating to it in force and control of Government over the same. The some of the relevant and important observations of the Court are reproduced below-

- (i) Profiteering in the scarce resources of the community, much needed life-sustaining foodstuffs and life-saving drugs is diabolic. It is a menace which has to be fettered and curbed. One of the principal objectives of the Essential Commodities Act, 1955 is precisely that. It must be remembered that Article 39(b) enjoins a duty on the State towards securing that the ownership and control of the material resources of the community are so Distributed as best to sub-serve the common good'. The Essential Commodities Act is legislation towards that end. Section 3(1) of the Essential Commodities Act enables the central government, if it is of opinion 'that it is necessary or expedient so to do for maintaining or increasing supplies of any essential commodity or for securing their equitable distribution and availability at fair price', to 'provide for regulating or prohibiting by order, the production, supply and distribution thereof and trade and commerce therein. **[Para 2]**
- (ii) We start with the observation, 'Price fixation is neither the function nor the forte of the court'. We concern ourselves neither with the policy nor with the rates. But we do not totally deny ourselves the jurisdiction to enquire into the question, in appropriate proceedings, whether relevant considerations have gone in and irrelevant considerations kept out of the determination of the price. **[Para 4]**
- (iii) The third observation we wish to make is, price fixation is more in the nature of a legislative activity than any other. It is true that, with the proliferation of delegated legislation, there is a tendency for the line between legislation and administration to vanish into an illusion. Administrative, quasi-judicial decisions tend to merge in legislative activity -and, conversely, legislative activity tends to fade into and present an appearance of an administrative or quasi-judicial activity. **[Para 7]**
- (iv) The Order made under S.3(2)(c) controlling the price of an essential commodity may itself prescribe the manner which price is to be fixed but that will not make the fixation of price a non-legislative activity, when the activity is not directed towards a single individual or transaction but is of a general nature, covering all individuals and all transactions. The legislative character of the activity is not

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shed and an administrative Or quasi-judicial] character acquired merely because guidelines prescribed by the statutory- order have to be taken into account.

### [Para 13]

(\*1987 DGLS(Soft.) 400 = 1987 (2) JT 107 = (1987) 2 S C C 720 = 1987 (1) Scale 728 = AIR 1987 SC 1802) - (**Considered in** Gupta Sugar Works -Vs- State of Uttar Pradesh, 1987 DGLS(Soft) 763 = 1987 (4) JT 154 = 1987 (Supp.1) SCC 476 = 1987 (2) Scale 824 = AIR 1987 se 2351 and Glaxosmithkline Pharmaceuticals Ltd -Vs- Union of India, 2004(Supp.2) Bom.C.R. 320-DB)- (**Distinguished in** Union of India -Vs- Ranbaxy Laboratories Ltd., AIR 2008 se 2286 2008 (6) JT 647 = 2008 (9) Scale 371 = (2008) 7 S C C 502 = 2008 (4) Supreme 445)-(**Followed in** Cipla limited -Vs- Union of India, 2002(Supp.) Bom.CR 35-DB = 2002 (2) Mah L J 631)

The provisions of the Drug (Price Control) Order, 1979 are also considered and interpreted in case of Balakrishna Pillai -Vs- Matha Medical, 1991 DGLS(Soft.) 23 = 1991 (1) Scale 35 = 1991 (1).IT 123 = (1991) 2 S C C 203. In this case, the respondents were found guilty by the trial court for contravention of para 21 read with para 18 of the Drugs (Prices Control) Order, 1979 issued under section 3 of the E C Act, 1955, and, accordingly convicted under section 7 of the Act. Though the Supreme Court refused to interfere with the acquittal of the respondents but it is observed -

“We are clearly of the opinion that the High court misconstrued the provisions of the Drugs (Prices Control) Order, 1979, to take the view that none of the aforesaid two medicines, namely, Largactil and Hipnotex are ‘formulations’ as defined in section 2(f) of the Drugs (Prices Control) Order, 1979; and that the sale of these two medicines for an amount in excess of the maximum retail price fixed is not punishable under para 21 read with para 18 of the Order.”

In case of R.P.G. Life Sciences Ltd. -Vs- State of Tamil Nadu, 2010 DGLS (Soft.) 2048 = (2010) 6 S C C 540 = AIR 2010 S C 2765, the Supreme Court, though maintained conviction under DPC Order but modified sentence considering the lapse of period of 25 years in the litigation. It is observed-

- (i) In the present case, the incident is of 31.5.1985 and in the peculiar facts of this case it may not be desirable to send the appellants to jail after a lapse of about 25 years. **[Para 17]**
- (ii) In the facts and circumstances of this case, we are of the considered view that ends of justice would meet if while maintaining the conviction of the appellants,

instead of sending them to serve out three months of imprisonment, the sentence fine is substantially increased. [Para 18]

In case of *Cipla Limited -Vs- Union of India, 2002(Supp.) Bom.CR. 35-DB= 2002 (2) Mah L J 631*, the Court has considered the Drug Price Control Order, 1995, Drug Policy, 1994 and framed points for determination in para 67, which are reproduced below-

- (i) Scope of judicial review with regard to the inclusion of drugs within the purview of price control?
- (ii) Interpretation of the words “turnover” occurring in paragraph 22.7.2 Drugs’ Policy, 1994.
- (iii) Whether all relevant factors and materials were not taken into account and irrelevant factors and materials were taken into account, while bringing the concerned drugs within the purview of Drugs Policy, 1994?
- (iv) Whether the respondents have acted wrongfully, arbitrarily and irrationally in an unreasonable manner to include the drugs manufactured by the petitioners as mentioned in the petitions within the purview of Drugs Price Control Order, 1995?

It is observed in para 70 that points raised in the petitions are covered by the decision of the Supreme Court in *Cynamide -Vs- Union of India* (referred above). It is held in para 78 that the word “turnover” occurring in paragraph 22.7.2. of Drugs Policy, 1994, cannot include any of export sales figures.

The provisions of Drug Price Control Order, 1995 are also considered by the High Court in case of *Colgate Palmolive India Ltd. -Vs- State of Maharashtra, 2007(1) BoM.C.R.(Cri.) 4-SB = 2007 (1) Mah L J 612 (Cri)*. In this case, the applicants were prosecuted on the basis that they have violated the Standards of Weights and Measures Act, 1976 and Standards of Weights and Measures (Packaged Commodities) Rules, 1977. The applicant submitted that the seized product in this case is a “Non Scheduled Formulation” and being a non scheduled formulation, the Packaged Commodities Rules do not apply. There is a specific exemption given under Rule 34(1)(e) of the P.C. Rules, as amended. It was further submitted that as per clause/para 15 of the Drugs Control Order, there is an obligation to declare retail price of this package in the form prescribed. It was further submitted that there is complete compliance with the provisions of Drugs Price Control Order. While quashing the prosecution, it is held in para 22-

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“In the light of this legal position and when it is not disputed that non scheduled formulation dealt with by the petitioner is covered by the Drugs Price Control Order, then prosecution of the petitioner for violation of P.C. Rules and 1976 Act is wholly illegal and unsustainable.”

### (viii) Kerosene

In case of \* *Yeshwant Pahuji Khandwi -Vs- State of Maharashtra*, the appellant was found selling kerosene oil and had no licence for its sale. Thereafter, F.I.R. under section 3 read with section 7 of the E C Act was lodged against the appellant for having contravened the Maharashtra Kerosene Dealer's Licensing Order, 1966.

It was contended on behalf of accused that in the instant case prosecution has not been able to adduce any evidence of continuity of sale of kerosene or its repeated sale on the part of the appellant and consequently it cannot be said that he was carrying on “business as a dealer” in terms of Clause 3 of the Maharashtra Kerosene Dealers Licencing Order, 1966.

While setting aside the conviction of accused, it is observed that the evidence in the instant case is only of a single sale and that being so in view of the decision of the *Apex Court in Manipur Administration -Vs- Nita Chandra Singh, A. / R. 1964 SC 1533*, the appellant cannot be said to be indulging in “business as a dealer” of kerosene in the sense in which the term has been defined

in Clause 3 of the Maharashtra Kerosene' Dealers Licensing Orders, 1966 (\*1995(1) *Bom.CR. 565-SB = 1995 Cri. L J 2728 = 1994 Mah L J 1652*) — (See also *Chander Changalmal Gehani -Vs- State of Maharashtra, 1993(1) Bom.CR. 149-SB= 1993 (1) Mah L J 598*)

The provisions of Cl. 3 of the Maharashtra Kerosene (Dealers' Licensing) Order, 1966, are interpreted by the High Court in case of *Eknath Kaluba Mokashe -Vs- State of Maharashtra, 1996(1) Bom.CR. 324-SB*.

The question of law before the Court was: as to whether the conviction and sentence recorded against the appellant for offence punishable under sections 3 read with 7 of the Essential Commodities Act is sustainable in law? It was alleged by the prosecution that there was contravention of Cl. 3 of the Order by the accused. It is observed that to attract the expression ‘Dealer’ used in Cl. 3 of the Order, it must be shown that he (accused) carries on business of purchase or sale or storage for sale of any of

the commodities specified in Schedule. The condition precedent to contravene Clause 3 of Order of 1966 necessarily postulates that the person accused must carry on business as a Dealer without licence. That means a single, casual or solitary transaction of sale would not make a person dealer and that carrying of business in context must necessarily postulates continuity of transaction. While setting aside the conviction, it is further observed - "Therefore, in absence of any further evidence from the prosecution to prove that the appellant was carrying on business as a dealer without license his conviction under section 3 read with section 7 of the Essential Commodities Act cannot be sustained."

In case of *Abdul Jabbar s/o. Abdul Sattar -Vs- State of Maharashtra, 1996(1) Bom .CR. 498-SB*, the trial Court came to the conclusion that it was the accused who was the driver of the truck and as such he used the kerosene for the purpose of driving the truck, and since this user was not permissible, he had committed an offence under section 3 read with section 7 of the E C Act Accordingly, the appellant-accused came to be convicted and this conviction was challenged in appeal. The Court has considered the provisions of Clause 3 of the Kerosene (Restriction on Use) Order, 1966. While setting aside conviction, it is observed -

"If the appellant accused was merely a driver of the truck, though he denied to be so, can it be inferred or presumed that he had the perfect idea that he was having kerosene in the fuel tank of the truck? the answer to this question will obviously have to be given in the negative. Now, unless the investigating agency had recorded the statement of the owner of the truck, whose whereabouts they knew, or unless it was established that it was the accused who had fined in the said fuel tank of the truck with kerosene, the offence could not have been brought home. In this behalf, from the language of Clause 3 of the Kerosene (Restriction on Use) Order, 1966, it is certain that the user by any person or consumption would involve the knowledge and a violation on the part of the concerned person to use kerosene. The words "use or consume kerosene" would be meaningless, if the concerned person did not have the knowledge of the commodity which was being used. The prosecution, under such circumstances, was duty bound to establish this knowledge on the part of the accused, and by merely being a driver, by establishing that the fuel tank did contain kerosene, such knowledge, I am afraid, could not be established." **[Para 9]**

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In case of *Shri Daniel -Vs- State*, 1999(5) Bom.C.R. 493-SB, the Court has considered the provisions of CI. 4(i) of the Goa, Daman and Diu Kerosene Oil (Export and Price) Control Order, 1975 which is as under -

“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”.

The contention of the Petitioner was that there is no material even to show prima facie that the petitioner has sold Kerosene in excess of Government rates and/or in violation of section 3 r/w section 7 of the E C Act, 1955 or in violation of the Notification dated 13th November, 1990 issued under the Kerosene (Fixation of Ceiling Prices) Order, 1970. While quashing the charge against accused, it is observed -

“As already seen above, Clause 4 (i) of the Goa, Daman and Diu Kerosene Oil (Export and Price) Control Order, 1975 requires that 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 Government. The materials, therefore, should disclose that the accused person has either attempted to sell or abet the sale of kerosene at the price in excess of the price notified. As already seen above, the materials on record do not disclose such ingredients of Clause 4 (i) of the said Order.”

In case of *Abhimanyu Vishwanath -Vs- State of Maharashtra*, 1999(Supp.) Bom.CR. 128-SB = 2000 (1) Mah L J 534, the petitioners were prosecuted for having committed the offences punishable under sections 317 of the E C Act. The charge-sheet was filed and the plea of accused was recorded. As there was no progress after recording of plea of the petitioners, relying on judgment of the Supreme Court in *Raj Deo Sharma v. State of Bihar*, 1999(5) Bom. CR. (S.C.)1= A. I R. 1998 S.C 3281, the petitioners filed application in the trial Court and sought a direction' from the Court to close the prosecution evidence. The said application was rejected and this rejection order was challenged in this criminal writ petition. While dismissing the petition, it is observed that the ratio of the *Raj Deo Sharma's* case does not come to the rescue of the petitioners because exception is carved out for certain offences. It is observed in para 7-

“There is another hurdle in the way of the present petitioner. It is made clear in '*Raj Deo Sharma's* case that if the inability for completing the prosecution within the specified time is attributable to the conduct of the accused in protracting the trial, no

Court is obliged to close the prosecution evidence within the aforesaid period in any of the cases covered by Clauses (i) to (iii).”

The provisions of CI.10 of the Maharashtra Kerosene Dealers Licensing Order,1966,are considered by the High Court in case of *Shaikh Hamid Shaikh Mahmood -Vs- State of Maharashtra, 2001 (Supp. 2) Bom. C. R. 405-DB*. It is observed in para 5 that the suspension or cancellation of the petitioner’s kerosene licence was illegal, arbitrary, mala fide, malicious and in contravention of the provisions of the law i.e. section 3(2)(c),(d) (i), (ii) and(j). It is observed -

“It is also in contravention of the Maharashtra Kerosene Dealers Licensing Order, 1966, Clause 10 which provides for cancellation or suspension of licence. It is elementary that no such punitive action can be taken without hearing the concerned party and without giving any show cause notice and without considering the explanation or reply given by’ such delinquent party. The law expects a reasonable opportunity of hearing before cancellation or suspension of licence of such a party who must he informed the reasons, the lapses, and the misconduct levelled against him to attract the penalty of cancellation or suspension of licence. He must be told-that he had contravened certain terms and conditions of the licence and he must be given a reasonable opportunity of hearing before imposing any such punishment. According to us no such penal action can be taken in contravention of the provisions of the law as well as in contravention of the principles of natural justice. The petitioner is certainly entitled to get protection of Article 14 of the Constitution of India, that the respondents as the State and its agency or instrumentality shall act reasonably and never arbitrarily maliciously or mala fide.”

In case of *\*Laxmikant s/o Shankarlal Sarada -Vs- State of Maharashtra*, the of rejection of anticipatory bail by Sessions Court in an offence under section 3 read with section 7 of E C Act was challenged before the High Court. According to the prosecution the crime branch received information that blue’ kerosene had been illegally unloaded. It was contended that P. S, L Gorhe of Crime Branch (Urban) is not an empowered officer to carry out the search and seizure as also the investigation on account of which the search, seizure as also the investigation are illegal and cannot relied upon for any purpose. It was argued on behalf of the applicant that the place where the tanker has been seized falls under the jurisdiction of the M. I. D. C. Police Station and within the jurisdiction of the crime branch rural and that the P. S. I. Gorhe being from the Crime Branch (Urban) has no authority to effect search and seizure and to carry out the investigation into the crime.



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The Court observed in para 26 that in the instant case, raid was conducted on prior information and it was not a case of chance recovery and the raid was conducted by P.S.I. Ghorhe who prima facie is not an officer empowered to do so. The seizure panchanama does not show that the raid was conducted under the supervision of A.C.P. The case diary dated 23-7-2001 only states that A.C.P came to the spot after the raid and gave guidance, though the complaint dated 23-7-2001 states that legal action was Ordered by the A.C.P. In such set of facts, it is held that in case of arrest by the empowered Officer the applicant shall be enlarged on anticipatory bail, upon execution of personal bond of Rs. 25,000/- (Rupees Twenty Five Thousand Only), with one surety in the like amount on certain conditions. (\*2002 Born. C R. (Cri.) 170-SB = 2002 (2) Mah L J 471)- (Considered *in Amarjeetsingh Jeevansingh -Vs- State of Maharashtra, 200S B. C. I 44-SB*)- (See also *Nasimkhan Sikandarkhan -Vs- State of Maharashtra, 2005(Supp.) Bom.C.R. (Cri.) 461-SB and Abhijit Keshavrao Gavhankar -Vs- State of Maharashtra, 2010(2) Born C R(Cri.) 238-SB*)

In case of \**Amarjeetsingh Jeevansingh -Vs- State of Maharashtra*, by application under section 482 of the Code of Criminal Procedure, the applicants seek to quash the F. I. R. and the Charge-sheet before Judicial Magistrate, First Class, Murtijapur. In this case, truck drivers were arrested and the trucks were seized by alleging that blue kerosene was being used as fuel for those trucks. An offence punishable under section 3/7 of the Essential Commodities Act was registered against the drivers as well as the owners, the applicants. When the applicants learnt about the seizure of the trucks and arrest of their drivers they moved the concerned Magistrate for release of the trucks on their suprutnama, but the applications are rejected.

The High Court has considered the provisions of CI. 3 of the Kerosene (Restriction on Use and Fixation of Ceiling Price) Order, 1993 and observed that in order to bring home the guilt under CI. 3, the prosecution has to allege and prove, apart from misuse of the kerosene, that the kerosene was supplied under the public distribution system. It is held that there is no evidence on record to conclude that CI. 3 of the Order is contravened. The High Court quashed the proceedings against the applicants. (\*2005 B. C. I 44-SB) - (See also *Nasimkhan Sikandarkhan -Vs- State of Maharashtra, 2005(Supp.) Bom.C.R. (Cri.) 461-SB*)

### **(ix) Mah. Scheduled Articles (Display and Marketing of Prices) Order, 1966**

The provisions of section 3 of the Act read with Order of 1966 (above referred) are considered by the Supreme Court in case of \**State of Maharashtra - Vs- Hansraj Depar Parle Oil Centre*. In this case, the four respondents in the

appeals were shopkeepers in Bombay - some run grocery shops while some deal only in oils of different varieties. The charge against the respondents was that they failed to display prices of 'vanaspati' which they were selling in their shops in tinned and loose form. The defence of the respondents to the charge was that they were selling hydrogenated oils or vegetable ghee or vegetable oils and not 'vanaspati'.

The learned Magistrate acquitted the respondents in all the four cases holding that even if the word 'vanaspati' may have acquired a local meaning, it could not be said that the order used the word 'vanaspati' to include hydrogenated oils. Since the respondents, according to the learned Magistrate, could not be expected to know that they were bound to disclose the prices of hydrogenated oils also and since hydrogenated oils were not included in Schedule 1, the charge was unsustainable.

The learned Judge of the "High Court came to the conclusion that the duty to display prices was "a subsidiary matter to the prohibition which is contained in clause 4 which prohibits a dealer from selling an article at a price higher than the price displayed or from refusing to sell or from withholding from sale such articles at the price displayed or marked". It is observed by the "High Court - "Mere non-compliance of clause 3 cannot be an offence punishable as contravention unless there is a contravention of clause 4". Since the intention was said to be to punish contravention of clause 4 and not of clause 3 simpliciter, the prosecution was not maintainable and the accused were entitled to an acquittal."

The Supreme Court, though maintained the acquittal, disagreed with the view of the +High Court and it is observed in para 7-

- (i) The two clauses deal with different matters because whereas clause 3 imposes an obligation on a dealer to display the prices of articles specified in Schedule 1, clause 4 prohibits him from selling an article at a price higher than the one displayed or from refusing to sell it at the price displayed.
- (ii) A contravention of clause 3 (a) is full and complete by mere reason of the fact that the dealer has failed to display the prices of articles specified in Schedule 1. That contravention does not depend on the consideration whether he has charged a higher price than the price marked or whether he has refused to sell an article at the price displayed.

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- (iii) In other words, the first step which a dealer has to take is to display the prices of articles specified in Schedule 1; if he fails to do that, he is guilty of contravention of clause 3 (a) which is punishable under S. 7(1) of the Essential Commodities Act, 1955. The additional obligation which the dealer has to discharge is to be ready and willing to sell the articles at the prices displayed: failure to do so is a different and distinct contravention which also attracts the application of S. 7(1).
- (iv) We find it impossible to subscribe to the view that clauses 3 and 4 of the Order of 1966 are so interlinked that the legislature did not intend to punish the contravention of the former unless such contravention was accompanied by a contravention of the latter provision. The wedding of the two clauses in this fashion is entirely unwarranted. The ground on which the High Court has acquitted the respondents is therefore untenable and we reject the reasoning in that behalf as unsustainable. Were we satisfied that the respondents were selling 'vanaspati', tinned or loose, we would have had no hesitation in setting aside the order of acquittal and in convicting the respondents, since the non-display of prices is admitted.

While maintaining the orders of acquittal on the ground of total lack of evidence showing that the respondents are dealers in 'vanaspati' and that they had kept 'vanaspati' for sale in their shops, it is observed-

“Bearing in mind this principle the State government ought to have expressed its intention clearly and unambiguously by including hydrogenated oils within items 15 and 16 which refer to 'vanaspati'. If that were done, a type of predicament which arises in this case could easily have been avoided, and with profit to the community. We hope this lacuna in the Schedule will be rectified expeditiously.

(\*1977 DGLS (Soft) 106 = (1977) 2 S C 216) - (*State of Maharashtra- Vs- Hansraj Debar*, 1971 Mah L J 965-SB)

In case of *Keshavji Meghaji Dediya -Vs- The State of Maharashtra*, 1994(3) Bom C R. 640-SB =1994 (1) Mah L J 65, Appellant was convicted for the offence under section 7(1)(a)(ii) of the E C Act read with Clause 3(a) of the Maharashtra Scheduled Articles (Display and Marking of Prices) Order, 1966 and sentenced to suffer S. I. for three months and to pay a fine of Rs, 300, in default S. I. for three weeks. This judgment was impugned before the High Court.

It was the main contention of the appellant-accused that the prosecution has not established that the appellant was a dealer at the material time within the meaning of

Clause 2 of the Order of 1966, and therefore, if the prosecution failed to prove that the appellant was a dealer, then no offence under Clause 3(a) of the said Order of 1966 can be made out against the appellant. Hence, the short question before the Court was: whether the appellant was a dealer within the meaning of Clause 2(b) of the Order of 1966? While setting aside conviction, it is observed that the prosecution has failed to establish that the appellant was carrying on activity of storage and sale by retail of articles as a continuous activity so as to be called a “dealer” within the meaning of Clause 2(b) of the Order of 1966 and if he is not established to be a dealer, the provisions of Clause 3 will not be applicable to his case.

**(x) Maharashtra Solvent Raffinate and Slop (Acquisition, Sale, Storage and Prevention of Use in Automobiles) Licensing Order, 2000.**

The provisions of above Order of 2000 are considered by the Division bench of the High Court in case of *Reliance Industries Limited -Vs- State of Maharashtra, 2005(Supp.) Bom.C.R\_(Cri.) 291-DB = A I R 2006 Bom 213 = 2005 (3) Mah L J 40 = 2006 (3) Mah L J 739*. It was alleged that the petitioner has contravened sections 3, 7, 8, 9, and 10 of the E C Act, 1955 read with the Maharashtra Solvent Raffinate Shop (Acquisition, Sale, Storage and Prevention of use in Automobiles) Order, 2000, as amended. The petitioner prayed for quashing the prosecution. It was contended that in the peculiar facts and circumstances of the case, the complaints in question do not disclose any offence at all. While dismissing the petition, it is observed -

“A person who conducts the business of storage, sale and use of these commodities without a licence is liable to be prosecuted under section 7 of the said Act. It is not the case of the petitioner who is engaged in the manufacturing, sale, distribution of petroleum and petroleum products including LDO that it had a licence at any point of time or that at the relevant time with which we are concerned, it was in possession of a licence.. Therefore, if the complaints set out these facts and seek prosecution of the petitioner on that count, it can never be urged that the said complaints do not disclose any offence at all. We are, therefore, unable to quash the said complaints on this ground.”

**(xi) Motor Spirit and High Speed Diesel (Regulation of Supply, Distribution and Prevention of Malpractices) Order, 1998.**

In case of *Dinesh Bhawarlal Sarada -Vs- State of Maharashtra, 2009(1) Bom.C.R(Cri) 47-DB*, by means of the petition, the petitioner prayed for quashing the investigation,

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charge-sheet and proceedings in S.C.C. No. 17366/2006 pending on the file of learned Chief Judicial Magistrate, Nagpur, In this case, the petitioner along with three other accused, were charge-sheeted for offences punishable under section 7 read with section 3 of the Essential Commodities Act, 1955, read further with section 2 of the Motor Spirit and High Speed Diesel (Regulation of Supply, Distribution and Prevention of Malpractices) Order, 1998. The petitioner challenged the authority and power of Police to seize, attest and initiate an action or to investigate in the allegations under Motor Spirit and High-Speed Diesel (Regulation of Supply Distribution and Prevention of Malpractices) Order, 1998. The Court has considered the provisions of section 10-A of the E C Act and observed in view of section 10-A of the E.C Act, 1955 read with section 156 of the Cri P. C. any Police Officer in-charge of a Police Station can start investigation if it comes to his knowledge that a cognizable offence has been committed within the jurisdiction of Police Station. While dismissing the petition, it is observed 'in para 18 -

“In the present case, it appears that Police Officer statutorily competent - Deputy Superintendent of Police, Nagpur Division, Nagpur, who investigated the case, has filed charge-sheet. The prosecution will have to and must be given opportunity to prove that he was duly empowered to investigate into the case and also to substantiate its stand that investigation was done according to law. Even otherwise, the function of investigation is to collect evidence and illegality in the course of collection of evidence can scarcely be considered by itself to affect legality of trial by otherwise competent Court who can, Punish offence investigated - or acquit the innocent, if any. Pursuant to discussion as above, in our opinion, since the Police have already filed charge-sheet in the case upon completion of investigation against the petitioner, it would be under judicial scrutiny of the trial Court.”

### **(xii) Sugar.**

In case of *Diwan Sugar and General Mills Private Limited -Vs- Union of India*, 1959 DGLS(Soft.)10 = AIR 1959 SC 626, the petition under Art. 32 of the Constitution was filed challenging the legality of the notification dated 30/07/1958, issued by the Government of India fixing the ex-factory price per mound of sugar produced in Punjab, Uttar Pradesh and North Bihar. It was contended before the Court that the E C Act was passed by Parliament in 1955, for the control of the production, supply and distribution of, and trade and commerce in, certain commodities, which included sugar and the impugned notification is beyond the ambit of authority conferred on the

central government under section 3 of the Act and clause 5 of the Order, and in any case it is bad as it cannot possibly sub-serve the purposes of the Act ensuring equitable distribution of the commodity to the consumer at a fair price; and, secondly, the impugned notification merely fixes ex-factory prices and; is bad; and, thirdly, the impugned notification is bad inasmuch as it is discriminatory because it fixes ex-factory prices only for factories in Punjab, Uttar Pradesh and North Bihar and not for factories in other parts of India and there is no reasonable classification discernible on any intelligible differentia on the basis of which prices 'have been controlled in certain regions only. While dismissing the petition, it is held -

- (i) There can be little doubt that fixation of ex-factory prices of sugar mills in the main surplus areas would have the effect of stabilising sugar prices for the general public, which is the consumer, at a fair level and make sugar available at fair prices. **[Para 6]**
- (ii) The object of section 3 is undoubtedly to secure essential commodities at fair prices for the general public, i.e., the consumer. It is well known that there are three kinds of prices prevalent in the market for a commodity like sugar, namely, ex-factory price, wholesale price and retail price. It is the last that the consumer has to pay. It is urged that when s. 3 provides for availability of essential commodities at fair prices to the general public it means that price can only be fixed at the stage where the consumer is the purchaser. The control provided under clause (c) of section 3(2) is control at any of the three stages mentioned above. There is no reason to cut down the generality of the words used in clause (c) so as to make them applicable only to the last stage, namely, the retail price. This contention, therefore, that section 3 only authorises the central government to fix the retail price, i.e., the price for the consumer, fails. **[Para 7]**
- (iii) In law, we see no warrant for holding that under s. 3 (1) and s. 3 (2) (c) of the Act, the government must not only fix ex-factory prices but also wholesale and retail prices. What prices the government will fix depend upon their estimate ,of the situation, which would serve the object of the Act. **[Para 8]**
- (iv) The impugned notification is not an unreasonable restriction on the petitioners' right to carry on trade under Art, 19(1)(g). **[Para 9]**

In case of *\*Anakapalle Co Operative Agro Land Industrial Society Limited — Vs- Union of India*, the validity and legality of the Levy Sugar Supply Control Order, 1972, made under section 3 of the E C Act, 1955, fixing the price of levy sugar in the different zones in the country, was challenged and some of the relevant questions before the Court were -

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- (1) What is the true scope and ambit of S. 3(3-C) of the Act?
- (2) Whether the system of fixing price for each zone (the entire country having been divided into 15 zones), is justifiable and IS based on correct principles?
- (3) Whether the statewise constitution of the zones is proper and justified?
- (4) Does the zonal system lead to discrimination and as such is violative of Article 14 of the Constitution?

The Court has dismissed the petitions. The important findings of the Court, while discussing above, questions and after considering earlier judgment in similar matters, are reproduced below-

- (i) The basis of a fair price would have to be built on a reasonably efficient and representative cross-section on whose working cost schedules will have to be worked out and price determined by the government under S. 3 (3-C) of the Act. The cost schedule must be such as would do justice to the “weak and strong alike. There can thus be no doubt that there was ample and abundant justification for continuing and sustaining the zonal system. **[Para 22]**
- (ii) If there are very big units and there are very small units in the same zone either they must be classified according to their size or the price must be fixed for each individual unit. **[Para 23]**
- (iii) Once it is recognised that prices could be fixed according to the zones the cost schedules that have been worked out by the Commission have necessarily to be different for each zone. The various items which go into cost differ from zone to zone. It is not possible to take out only a few items and find discrimination, disregarding all the other items or components of costs on the basis of which price determination has to be made. We are unable to hold that while classifying zones on geographical cum agro economic consideration, any discrimination was made or that the price fixation according to each zone taking into account all the relevant factors would give rise to such discrimination as would attract Article 14 of the Constitution. **[Para 27]**

(\*1972 DGLS(Soft) 528 = (1973) 3 S C C 435=AIR 1973 SC 734) - (Referred in Union of India -Vs- Cynamide India Limited, 1987 DGLS(Soft.) 400 = 1987 (2) JT 107 == (1987) 2 S C C 720 = 1987 (1) Scale 728 = AIR 1987 SC 1802)- (Ratio explained

*in Prag Ice and Oil Mills: Nav Bharat Oil Mills -Vs- Union of India, 1978 DGLS(Soft) 70-FB = (1978) 3 SC C 459 = AIR 1978 SC 1296 and Gupta Sugar Works -Vs- State of Uttar Pradesh, 1987 DGLS(Soft) 763 = 1987(4) JT 154 = 1987 (Supp.1) S C C 476 = 1987 (2) Scale 824 = AIR 1987 se 2351)- (Approved in Sitaram Sugar Company Limited -Vs- Union of India, 1990 DGLS(Soft.) 144- (5 Judges Bench) = (1990) 3 S C C 223= 1990 (1) JT 462 = 1990 (1) Scale 475 = AIR 1990 SC 1277)- (Followed in H.S.S.K. Niyami -Vs- Union of India, 1990 DGLS(Soft.) 421 = 1990 (2) Scale 286 = (1990) 4 S C C 516 = 1990 (3) JT 579 = AIR 1990 SC 2128)*

The provisions of section 3(3C) of the E C Act are interpreted by the Supreme Court in case of *\*Panipat Co Operative Sugar Mills -Vs- Union of india*. In this case, writ petitions were filed in the High Court of Delhi for quashing the Sugar (Price Determination) Order, 1971 made under section 3 (3C) of the E C Act, 1955, and for a direction requiring the Central Government to refix the ex-factory price for 1970-71 in respect of Sugar required to be sold to Government under Section 3(2)(f) of the Act. The High Court dismissed the writ petitions and hence appeals were filed before the Supreme Court. The Supreme Court also dismissed the appeals.

Two principal questions before Court in these appeals were: (1) what is the true interpretation of Section 3 (3C), and (2) whether the price of Rs. 124.63 was in accordance with the provisions of Section 3 (3-C)? The Court has considered the provisions of sub-sections (3A), (3B) and (3C) of section 3 and observed—

- (i) Both under sub-sections (3A) and (3B), the question of market price can only arise where there is no controlled or fixed price-or price agreed consistently with the controlled price, if any. Each of these sub-sections makes a separate provision for the price at which the commodities therein dealt with is to be paid. **[Para 21]**
- (ii) Sub-section (3C) was inserted in Section 3 by Section 3 of Act 36 of 1967. The sub-section lays down two conditions which must exist before it applies. The first is that there must be an order made with reference to sub-section (2), clause (f), and the second is that there is no notification under sub-section (3A) or if any such notification has been issued it is no longer in force owing to efflux of time. **[Para 22]**



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(iii) The incentive to secure increased production and expansion of the industry was to leave a certain portion of the stock-free for sale in the open market, the assumption being that the industry would get a better price in such market than the price determined under the formula incorporated in sub-section (3C).

### [Para 24]

(iv) The fair price, therefore, has to be “determined on the minimum price of cane fixed by Government, the manufacturing cost on the basis of zonal cost-schedules, the tax or duty applicable in the zones and must be so structured as to leave in the ultimate result to the industry a reasonable return on the capital employed by it in the business of manufacturing sugar. [Para 25]

(v) The basis of a fair price would have to be built on a reasonably efficient and economic representative cross-section on whose workings cost-schedules would have been worked out and the price to be determined by Government under sub-section (3C) would have to be built. A claim that such a price has to be determined unit-wise and a reasonable return has to be ensured to each unit or that such a price with such a return would be in respect of that part of its stock required to be sold under sub-section (2) (f) would appear to be inconsistent with the concept of partial control, the background in which it was evolved and the object with it attempted to secure. Such a policy meant determination of a fair price on the basis of which a producer would be paid for part of his stock required to be sold to Government. Such a price would have to be determined having regard to the four factors set out in the sub-section.[Para 30]

(\*1972 DGLS(Soft.) 529 = (1973) 1 S C C 129 = AIR 1973 SC 537)- (**Referred in Union of India – Vs- Cynamide India Limited**; 1987 DG LS(Soft.) 400 = 1987 (2) JT 107 = (1987) 2 S C C 720 = 1987 (1) Scale 728 = AIR 1987 SC 1802)- (**Ratio explained in Prag lee and Oil Mills: Nav Bharat Oil Mills -Vs-Union of India**, 1978 DGLS(Soft) 70-FB = (1978) 3 S C C 459 = AIR 1978 SC 1296 and Gupta Sugar Works –Vs- State of Uttar Pradesh, 1987 DGLS(Soft.) 763 = 1987 (4) JT 154 = 1987 (Supp.1) SCC 476 = 1987 (2) Scale 824 = AIR 1987 SC 2351)- (**Approved in Sitaram Sugar Company Limited -Vs- Union of India**, 1990 DGLS(Soft) 144- (5 Judges Bench) = (1990) 3 S C C 223= 1990 (1) JT 462 = 1990 (1) Scale 475 = AIR 1990 SC 1277)

In case of \*Laxmi Khandsari -Vs- State of Uttar Pradesh, the Supreme Court upheld the validity of Clause 8 of the Sugarcane (Control) Order, 1966 and notification

issued thereunder by the U P Government (\*1981 DGLS.(Soft.) 154= 1981 (I) Scale 455 = (1981) 2 S C C 600 = AIR 1981 S C 873) - (**Followed in P. P. Enterprises -Vs- Union of India**, 1982 DGLS(Soft.) 78 =(1982) 2 S C C 33= 1982 (1) Scale 184 = AIR 1982 SC 1016)

The validity of order passed under the Sugar (Control) Order, 1966 was challenged before the Supreme Court in case of *P. P. Enterprises - Vs- Union of Indi*, 1982 DGLS(Soft) 78 = (1982) 2 S C C 33 = 1982 (1) Scale 184 = AIR 1982 ·SC 1016. The Supreme Court upheld the validity of said order. It was contended before the Court that the impugned order applies two standards, one for the dealers at Calcutta, who had been authorised to keep 3500 quintals at one time, while the dealers at other places have been authorised. to keep only 250 quintals in cities with a population of one lakh or more, and only 100 quintals in other towns with a population of less than one lakh, which offends Art. 14 of the Constitution. While rejecting the contentions, it is observed -

“The fixation of limits for storing sugar in Calcutta and other places is not arbitrary but is based on reasonable classification. The government is the best judge of the situation in a particular State and that quantity of sugar will meet the exigencies of the situation at a particular place is purely a governmental function, For one, Calcutta serves as a feeder line to meet the requirements of sugar to the eastern part of the country, and therefore, the stocks of sugar to be held by the dealers in Calcutta are not required for consumption in Calcutta alone, Besides, Calcutta being far away from the sugar manufacturing units in Bihar and Uttar Pradesh, from where bulk of supplies are obtained, sugar is transported by the wholesale dealers in railway wagons which take sometime (*sic* sometimes take) unusually longer time in transit. These and various other factors have been taken into consideration by the government while fixing the storage limits of sugar for the dealers in Calcutta.” **[Para 12]**

In case of *Ganesh Sugar Works -Vs- State of Haryana*, 1987 DGLS(Soft.) 661 = 1987 (3) JT 440 = 1987 (2) Scale 485 = (1987) 4 S C C 604, the application for renewal of licenses by Khandsari units were rejected by the Cane Commissioner on the ground that there was ‘acute shortage of cane in the assigned area of the sugar mills’, This order of Commissioner is upheld by the Supreme Court. It is held by the Supreme Court -

“We do not, therefore, have any doubt that having regard to the fall in the production of sugarcane and the fall in the production of sugar, the banning of supply of

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sugarcane to khandasari units by the method of refusing to licence khandasari units operating in reserved areas was in the public interest.”

The fixation of price of levy sugar under orders issued under Section 3(3-C) of the Essential Commodities Act, 1955, was the main issue before the supreme Court in following three cases, -

- (i) *Malaprabha Co-operative Sugar Factory Limited -Vs- Union of India*, 1993 DGLS(Soft) 768= 1997(2) Supreme 92 = 1993 (6) JT 561 = (1994) 1 S C C 648 = 1993 (3) Scale 927 = AIR 1994 SC 1311- **Ratio explained in Mahalakshmi Sugar Mills -Vs- Union of India**, A I R 2009 S C 792,
- (ii) *Malaprabha Co-operative Sugar Factory Limited ‘-Vs- Union of India*, 1997 DGLS(Soft) 145 (1997) 10 S C C 216 = 1997 (2) JT 361 - **Considered in Union of India -Vs- Triveni Engineering Works**, 1999 DGLS(Soft) 103 = (1999) 9 SCC 244 =AIR 2000 SC 3499.
- (iii) *Malaprabha Co-operative Sugar Factory Limited -Vs- Union of India*, 2000 DGLS(Soft.) 1630 = 2001 (3) JT 29 = (2002) 9 S C C 716 - **Considered in Mahalakshmi Sugar Mills -Vs- Union of India**, A I R 2009 SC 792.

The important and relevant observations of the Supreme Court while dealing with above issues’ are reproduced below.

- (i) The objectives of these two provisions, namely, Clause 5-A of the Sugar- cane Control Order and Section 3(3-C) are different. Even if there is a conflict between the two. Clause 5-A is subordinate legislation. That cannot supersede Section 3(3-C). The factors mentioned in clauses (a) to (d) of Section 3(3-C) are not mandatory in nature since the language used is “having regard to”. Only when the factories obliged to pay additional price, this formula under Clause 5-A could be worked out. Since the sugar factories were expected to pay only the minimum notified price the same was considered in working out the return. Additional cane price was never reckoned for consideration as it was payable only in the case of surplus for sharing between the sugar mills and the sugar-cane growers. **[Para 50 - (i)]**
- (ii) The object and the intendment of the Essential Commodities Act is to secure equitable distribution and availability of fair prices of essential commodities. In order

to' fulfil that object Section 3 authorises the central government to pass orders which may provide for regulating or prohibiting the production, supply and distribution of an essential commodity and trade and commerce therein. **[Para 57 - (i)]**

- (iii) With reference to price fixation following principles emerge from three important decisions: (1) *Panipat Sugar Mills -vs- Union of India*, [A I R 1973 S C 53] (2) *Anakapalle Cooperative Society v. Union of India*, [A I R 1973 S C 734J and (3) *Shri Sitaram Sugar Company Ltd. v. Union of India*, (1990) 3 S C C 223 = 1990 (1) JT 462 = 1990 (1) Scale 475 = AIR 1990 SC 1277.]

The principles are: (a) The amount payable for levy sugar shall be calculated with reference to price of sugar as the central government may determine having regard to four factors set out in clauses (a), (b), (c) and (d) of Section 3(3-C). **[Para 63, 64 - (i)]**

- (iv) Accordingly, we hold that the government could not, in law, proceed to a determination of the levy price by mopping up 100 per cent of the excess realisation of free sale sugar. This overlooks the fact that the producer had become statutorily entitled to 50 per cent of such excess realisation from 1/10/1974. **[Para 107 - (i)]**
- (v) We are unable to agree with the submissions advanced on behalf of the government that Clause 5-A deals only with the amount payable to the cane grower and that it cannot have any relevance for determination of levy sugar. If the determination of minimum price of sugar and fixation of the price of levy sugar under quantity of sugar to be supplied by the producer are inter connected, then they must be read as a whole and not separately as though each is distinct. While fixing the price of levy sugar regard is had only to the minimum cane price as spoken to under Section 3(3-CXa). This minimum cane price is referable to clause (3 of Sugar-cane (Control) Order. The additional price payable to the cane grower under Clause 5-A will arise after the expiry of the sugar year. Sugar price will have to be met only from the extra realisation' made by the producer by the sale of sugar in free market which will naturally be more than the levy price. **[Para 108 - (i)]**
- (vi) In view of the above discussion, the impugned notifications except the one dated 24/11/1994 cannot be upheld. The reason why we leave out the notification dated 28/11/1974 is that the same came to be issued before the new pricing policy was introduced. We hereby direct the Union of India to amend the, notifications taking into account the liability of the manufacturer under Clause 5-A. of the Sugar-cane

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(Control) Order as regards cane price and refix the price of levy sugar having regard to the factors mentioned in Section 3(3-C) of the Act. The government will have time to issue the amended notifications as directed above till 31/12/1993.

### **[Para 109 - (i)]**

The Union of India was not satisfied with the judgment and, therefore filed Review Petitions Nos. 211 and 212 of 1994 on 15/11/1993. They were dismissed on 23/2/1994. The Union of India had also, filed an application on 24/12/1993 for directions/clarifications and extension of time. The clarification was sought for on the following ground:

“It is submitted that the decision of this Hon’ble court lends itself to two different interpretations as mentioned below:

- (A) The amount of additional cane price payable by sugar factories at the end of each season is to be added to the SMP of sugarcane while computing the element of cost as per Factor ‘A’ of Section 3(3-C) of the Essential Commodities Act, 1955 for purposes of price fixation;
- (B) The levy sugar prices may be refixed taking into account only Factors ‘A’ to ‘D’ of Section 3(3-C) of the Essential Commodities Act, 1955.” It wanted the Supreme Court to clarify: “... whether the revised levy sugar price should be the sum total of Factors ‘A’, ‘B’, ‘C’ and ‘D’ of Section 3(3-C) of the Essential Commodities Act in case of price”fixation,”

‘That application was dismissed with costs but the time for implementation of the judgment was extended up to 30/11/1994 peremptorily. In spite of this direction the government did not issue the required notifications within time. It issued six notifications on 22/2/1995.

It was the grievance of the applicants (in case at S No. (ii)) that the said notifications have been issued in disregard and contravention of the judgment of this court inasmuch as the government, while refixing the levy sugar price for the said six years, has failed to include in such refixation the element of additional cane price payable by the producers under clause 5-A of the 1966 Order. They, therefore, want this court to give appropriate directions to the Union of India to forthwith comply fully and effectively with the judgment by issuing supplemental notifications providing for additional levy sugar price, Applicant in both these applications was the Indian Sugar Mills Association and it has filed the applications on behalf of all its members.

The Supreme Court allowed these applications and directed the government to issue additional orders/notifications in terms of the directions given by the Supreme Court in the above-referred batch of cases (case at S No. (i)).

In case at S No. (iii), these applications were filed in which it was stated that the decision of the “Supreme Court in *Shri Malaprabha Co-operative Sugar Factory Ltd. v. Union of India and Another*, JT 1993 (6) SC 345, followed by the direction reported in JT 1997 (2) SC 361 = 1997 (10) S C C 216, has not been complied with. The Supreme Court dismissed the contempt applications with the observations—

“The said fixation is in accordance with law and the directions given by this Court have been complied with. Neither a case for contempt has been made out nor is there any justification, in our opinion, for giving any direction to the Government to refix the levy price under Section 3 (3C) of the Essential Commodities Act.”

In case of *Mahalakshmi Sugar Mills -Vs- Union of India*, A I R 2009 S C 792, the precise question before the Supreme Court was: What are the factors which are required to be taken into consideration by the central Government for determining the price of levy sugar in exercise of its powers under section 3(3-C) of E C Act, 1955?

It is observed in para 45 that determination of price in terms of the provisions of the Act is a legislative function and the Superior Courts ordinarily would not interfere therewith. It is further observed in para 46 the determination of price is required to be carried out keeping in view certain factors specified therein. The term “having regard to” plays an important role in the matter of construction of the relevant provisions of the Act. If the price is determined without applying the principles underlying the factors enunciated in section 3(3- C) of the Act, the superior courts can issue requisite directions.

In case of *Rameshwar Sahakari Sakhar Karkhana -Vs- Union of India*, 2009 (3) Mah L J 254- DB, the -petitioner, sugar factory, sought directions against the respondents to grant additional quota for non-levy sugar. The Court has considered the provisions of Cls. 4 and 5 of the Sugar (Control) Order, 1966 and while refusing any relief to the petitioner and dismissing the, petition, it is observed that policy decision of Central Government in this regard cannot be challenged as it cannot be said to be arbitrary or capricious or without any logic and extra-ordinary jurisdiction vested in the High Court under Art. 226 cannot be invoked to travel against the provisions of section 3 of the E C Act read with Cls. 4 and 5 of the said Order of 1966.

In case of *Madhukar Sahakari Sakhar Karkhana Ltd. -Vs- Union of India*, 2001 (Supp. 2) Bom,C.R. 458-DB, the petitioners contended that as per the provisions of the E C Act, 1955, and the Levy Sugar Supply Control Order, 1979, issued under the

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said Act, the petitioners are bound to supply sugar to the respondents at the price fixed by the respondent under the Order of 1979. While dismissing the petition, it is held in para 13 -

“There is no substance in the contention of the petitioners that the assurance given in the letter dated 1st February, 1985 is not carried out by the Government. While fixing the price for remaining quota of the levy sugar For the year 1984-85, increased price is given than the normal price. In such circumstances, the said taken, by the petitioner, with respect to the price of, sugar, is not maintainable.”

In case of *State of Maharashtra -Vs- Nanji Karamshi Chheda, 1980, Bom,C.R. 85-SB*, the Court has explained the meaning of “dealer’ used in the Maharashtra Gur and Khandasari Dealers Licensing Order, 1963, CI. 3(3). While confirming acquittal, it is observed —

“Apart from the fact that a solitary transaction of sale, purchases or stock will not bring a person within the purview of Clause 3, as has been pointed out earlier each of such transactions whatever there numbers must be of quantities exceeding 25 quintals at anyone time. Admittedly, the only act for the commission of which the accused have been hauled up in the said transaction of sale of 2 Kgs. of gur in favour of the bogus customer. Hence the prosecution was completely unwarranted in the present case. The order of acquittal passed by the learned Magistrate is, therefore, fully justified and in fact the prosecution could not be said to have been launched after pursuing the provisions of the said order.”

### **Maharashtra Sugar Factories (Reservation of Areas and Regulation of Crushing and Sugarcane Supply) Order, 1984.**

The provisions of the above Order, its validity, directions of the Full Bench of Bombay High Court in this regard were the main issues before the Supreme Court in following cases, which should be read together -

- (i) *Maharashtra Rajya Sahkari Sakkar Karkhana Sangh Limited -Vs- State Of Maharashtra, 1995 DGLS(Soft.) 518 = 1995 (Supp.3) S C C 475 = 1995 (3) JT 581 = 1995 (2) Scale 772 - Followed in Bappasaheb Bhanudasrao Jadhav -Vs- State of Maharashtra, 2002(Supp.) Bom.CR, 635-DB = A I R 2001 Bom 473,*
- (ii) *Maharashtra Rajya Sahkari Sakkar Karkhana Sangh Limited -Vs- State of Maharashtra, 1998 DGLS(Soft.) 493 = 1998 (3) Scale 253 == 1998 (4)*

*Supreme 297= (1998)4 SCC 324 = 1998 (3)JT 525 = AIR 1998 SC 1937 = 1998 (4) Bom C R 617-SC = 1998 (3) Mah LJ531,*

The validity of the said Order of 1984 was challenged in the High Court of Bombay. A full bench of the Bombay High court disposed of the proceedings with certain directions to the State government in its judgment dated 23/9/1988. That judgment was the subject-matter of appeals in the Supreme Court in *Maharashtra Rajya Sahkari Sakkar Karkhana Sangh Ltd. - Vs- State of Maharashtra (i)*. The Supreme Court by its judgment dated 18-4-1995 set aside the directions given by the full bench of the High court and upheld the validity of the Order of the State government. The Supreme Court issued certain directions in this judgment (i) for appointment of Committee to meet out the grievances of farmers, etc.

The State government appointed an Expert Committee as directed by Supreme Court but the said Committee did not go into the aspect of zoning and confined itself to the price of sugarcane. There was an agitation by the farmers in the State according to whom the Government Order of 1984 had led to an unsatisfactory situation warranting an amendment thereof. The State government appointed a Committee on 6/1/1996 to take a decision on zoning. The Committee was headed by the Deputy Chief Minister of the State. Based on the recommendations made by that Committee, the State government passed the impugned order amending the Order of 1984 by introducing certain provisos to sub-clause 3(2) of the Order of 1984. In other words, the State Government amended the said Order of 1984 by notification dated 30.4.1997 under the title “the Maharashtra Sugar, Factories (Reservation of, Areas and Regulation of Crushing & Sugarcane Supply) (Amendment) Order, 1997.”

The above amendment was challenged before the Bombay High Court and the High Court dismissed the writ petition of the appellants observing that they did not find that the impugned Order was in any way illegal or unreasonable and that the Order would appear to ensure better sugarcane price to the farmers who are not members of any cooperative sugar factory. This judgment of the High Court was challenged before the Supreme Court in case at S No.(ii) above.

The, Supreme Court dismissed the appeal and agreed with the view expressed by the High Court . It observed —

“It is also pointed out to us that the impugned amendment is pursuant to a policy decision of the State government to protect the interests of the farmers on the one hand and the



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cooperative societies on the other. Nothing has been placed on record to show that the impugned Order is vitiated by mala fides. In such circumstances, it is not possible for this court to interfere with the Order issued by the State government. We do not also find anything unreasonable in the impugned amendment. [Para 16]

In case of *Sudhakar Shirdhar Sumaut -vs- Shetkari Sahakari Sakhar Karkhana Limited, Sangli*, 1999(5) Bom.C. R. 771-SB, contravention of the provisions of section 3(2) 4(1) of Maharashtra Sugar Factories Order, 1984 and thereby committed an offence punishable under section 7 and 10(a) Essential Commodities Act, 1955 was alleged. The main contention before the court was that under the provisions of 1988 (Amendment) Order no prosecution can be initiated against them because 1984 Order is not passed under the provisions of Essential Commodities Act. The Court has accepted the contention and prosecution was quashed. It is observed -

“Though the Sugarcane Control Order, 1966 authorizes. the State Government to frame rules, that rules does not actually authorize the State Government to invoke the provision of the Essential Commodities Act. The rule of 1986 issued by the Government of Maharashtra does not mention about invoking of the provision of section 7 of the Essential Commodities Act. Only the said amendment was brought in 1988. Admittedly prosecution in this case was initiated before January 1988. Prosecution against the petitioner therefore suffers from lack of competency. The prosecution against the petitioner is therefore liable to be quashed as the offence is said to have been committed before 1988.”

In case of *Krishna Dattatraya Patil -Vs- Tukaram Sidu Nalawade*, 2000(5) Bom.C.R. 535-SB, petitions were filed for quashing the complaints and the charge-sheet filed in the Special Court, Sangli under the provisions of the E C Act. Petitioners sought to be prosecuted under section 7 of the E C Act and for contravening the order made under section 3 of the Act on the allegation of the contravention of the order passed by the Government of Maharashtra being Maharashtra Sugar Factories (Reservation of Area of Regulation of Crushing for Sugarcane Supply) Order, 1984. It is observed by the Court that after reading the Clause 3 of the Order of 1984 and Clause 14 of the said order with section 7 of the E C Act and the allegations made in the complaint, a prima facie case is made out to prosecute the petitioners, The Court has dismissed the petition.

It was also contended, that the petitioners cannot be prosecuted without the Sakhar Karkhana being arraigned as party accused, While rejecting the contention, it is observed-

“Section 7 of the Essential Commodities Act which prescribes penalties speaks about “any person” contravening the order made under section 3 of the Act. Secondly, the punishment prescribed is imprisonment for a term of years which cannot be applicable to the Karkhana as the term of imprisonment is made compulsory along with the fine. Secondly allegations made in the complaint are that the petitioners were responsible for transporting the sugarcane to the Karkhana of which the petitioners were office bearers, thus the act of contravention was allegedly committed by the petitioners.”

**(xiii) Wheat.**

The constitutional validity of Rajasthan Wheat (Export Control) Order 1981 and that of a notification issued under the Rajasthan Trade Articles (Licensing & Control) Order, 1980, was questioned before the Supreme Court in a petition under Art. 32 of the Constitution in case of *\*M/s. Krishan Lal Praveen Kumar -Vs- State of Rajasthan*. The Rajasthan Wheat (Export Control) Order purports to prohibit the export of wheat from any place within the State of Rajasthan to any place outside the State except wider and in accordance with a permit issued by the State Government or any officer authorised by the State Government in that behalf

It was argued before the Court that the control order banned the export of wheat from a place within the State of Rajasthan to a place outside the State of Rajasthan and, therefore, it contravened the provisions of the Constitution which guaranteed freedom of trade, commerce and intercourse throughout the territory of India. According to the petitioners, it might be open to Parliament to make a law banning such export from one State to other States but it could not be done by the State Government in the exercise of a delegated power under the Essential Commodities Act. While repelling the contentions, it is held —

“In our view the Rajasthan Wheat (Export Control) Order 1981 is an order which regulates the transport, distribution, disposal of an Essential Commodity, clearly falling within and authorised by cl. (d) of section 3(2) of the Essential Commodities Act. The preamble to the order recites that the prior concurrence of the Central Government had been obtained. Nothing has been shown to us to indicate that the concurrence of the Central Government had not been so obtained. It was also submitted that the control order did not provide for machinery for obtaining a permit. That is not correct. The Control Order provides that a permit for export of wheat should be obtained from a State Government or any officer authorised by the State Government

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in this behalf. In our view the Rajasthan Wheat (Export Control) Order is not open to challenge on any of the grounds raised by the petitioners.”

(\*AIR 1982 SC 29) - (**Followed in** *Bishambhar Dayal Chandra Mohan -Vs- State of U P*, 1981 DGLS(Soft)454 AIR 1982 SC 33 = (1982) 1SCC 39= 1981 (3) Scale 1685)

In case of *\*Suraj Mal Kailash Chand -Vs- Union of India*, the Supreme Court upheld the order of the State Government fixing the maximum limit of wheat to be possessed by a dealer at 200 quintals at any time. It is observed -

“The fixation by the impugned notification of the maximum quantity of wheat allowed to be possessed by a dealer at 200 quintals at any time cannot be held to be arbitrary merely because in case of pulses, the maximum quantity allowed to be possessed by a dealer at any time is substantially higher. There was greater need for control of stocks of wheat which forms staple food of the people rather than pulses.” [Para 9]

(\*1981 DGLS(Soft) 424 = AIR 1982 SC 130 = (1981) 4 S C C 554 = 1981 (3) Scale 1597) - (**Followed in** *P.P.Enterprises -Vs- Union of India*, 1982 DGLS(Soft) 78 = (1982) 2 S C C 33 = 1982 (1) Scale 184 = AIR 1982 SC 1016)

In case of *\*Bishambhar Dayal Chandra Mohan -Vs- State of U P*, it is observed by the Supreme Court in para 49 -

“It cannot be asserted that the restriction imposed by the State government on wholesale dealers of wheat is either arbitrary or is of an excessive nature. The fixation of the stock limit of wheat to be possessed by wholesale dealers, at any time, at 250 quintals is an important step taken by the State government to obviate hoarding and black-marketing in wheat which is in short supply. It is hardly necessary to emphasize the extent and urgency of the evil sought to be remedied thereby. Perhaps fixation of the maximum limit of wheat permitted to be possessed by a wholesale dealer at 250 quintals, at a time, is too low, but the restriction so imposed cannot be treated to be arbitrary or of an excessive nature, beyond what is required in the national interest.”

(\*1981 DGLS(Soft.) 454 = AIR 1982 SC 33 = (1982) 1 S C C 39 = 1981 (3) Scale 1685) - (**Followed in** *P.P.Enterprises -Vs- Union of india*, 1982 DGLS(Soft.) 78 = (1982) 2 S C C 33 = 1982 (1) Scale 184=AIR 1982 SC 1016)

#### 4. Imposition of duties on State Governments, etc.

An order made under section 3 may confer powers and impose duties upon the Central Government or the State Government or officers and authorities of the Central Government or State Government, and may contain directions to any State

Government or to officers and authorities thereof as to the exercise of any such powers or the discharge of any such duties.

### **5. Delegation of powers.**

The Central Government may, by notified order, direct that +[the power to make orders or issue notifications under section 3] shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by-

- (a) such officer or authority subordinate to the Central Government, or
- (b) such State Government or such officer or authority subordinate to a State Government, as may be specified in the direction.

+ **Substituted for the words “the power to make orders under section 3” by Act 66 of 1971. Sec. 3.**

### **Short Notes**

The provisions of section 5 and powers of Central Government to delegate under the said provisions was the issue for consideration before the Supreme Court in case of *State of Andhra Pradesh -Vs- Potta Sanyasi Rao, 1975*

*DGLS(Soft.) 299 = (1975) 2 S C C 480= AIR 1975 SC 2030* in this case, the judgment of the Andhra Pradesh High Court whereby the Andhra Pradesh Tyres and Tubes Dealers Licensing Order, 1973 was struck down as illegal and ultra vires, was assailed before the Supreme Court. The short question for consideration was: whether the order of delegation of power by the Central Government under section 5 enabling the State Government to, make orders or issue notifications under section 3 would empower the State Government to promulgate orders with regard to commodities which were declared to be essential commodities by the Central Government subsequent to the order of delegation? While setting aside the judgment of the High Court, it is observed- “There is nothing in Section 5 to limit the power of delegation in favour of the State Government only to the commodities specified in Section 2 (a) or to those commodities declared essential under section 2 (a) (xi) upto the date of delegation. Delegation under Section 5 is a general delegation and will inure in favour of exercise of power by the State Government with respect to commodities, declared essential by the Central Government from time to time under section 2 (a) (xi) even subsequent to the order of delegation. It is not necessary that every time

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the Central Government declares an essential commodity it has also to pass an order of, delegation under Section 5 with regard to that commodity. Reading Section 5 and Section 3 together there is no warrant for the view that the power of delegation is confined to essential commodities specified under the Act and such others as may be declared by the Central Government upto the order of delegation. Delegation of power to the State Government to act under, Section 3 is not restricted to any specified essential commodity as such.” **[Para 9]**

The provisions of section 3(6) and section 5 are considered by the Supreme Court in case of *\*Sarkari Sasta Anaj Vikreta Sangh -Vs- State of Madhya Pradesh*. It is observed in para 7 that What is required to be placed before the Parliament under section 3, sub-section (6) of the Essential Commodities Act is an order made by the Central Government or by any officer or authority of the Central Government; an order made by the State Government in exercise of the powers delegated to it by Central Government under section 5 is not required to be placed before Parliament. (\*1981 DGLS(Soft.)384 = (1981) 4 S C C 471 = 1981 (3) Scale 1413 = AIR 1981 SC 2030) - (**Followed in** *Madhya Pradesh Ration Vikreta Sangh Society -Vs- State of Madhya Pradesh*, 1981 DGLS(Soft) 418=(1981) 4 S C C 535 = 1981 (3) Scale 1420 = AIR 1981 SC 2001)

### **6. Effect of orders inconsistent with other enactments.**

Any order made under section 3 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.

#### **+16A.Confiscation of seized Commodities.**

(1) where any essential commodity is seized in pursuance of an order made under section 3 in relation thereto, a report to that seizure shall, without any unreasonable delay, be sent to the Collector within whose jurisdiction such seizure is made, and the Collector may, if he thinks it expedient so to do, inspect or cause to be inspected such essential commodity, and whether or not a prosecution is instituted for the contravention of such order, the Collector, if satisfied that there has been contravention of the order, may order confiscation of-

- (a) the essential commodity so seized;
- (b) any package, covering or receptacle in which such essential commodity is found; and

- (c) any animal, vehicle, vessel or other conveyance used in carrying such essential commodity:

Provided that, without prejudice to any action which may be taken under any other provision of this Act, no food- grains or edible oilseeds seized in pursuance of an order made under section 3 in relation thereto from a producer shall, if the seized food-grains or edible oilseeds have been produced by him, be confiscated under this section:

Provided further that, where any animal, vehicle, vessel or other conveyance is used for the carriage of goods or passengers for hire, the owner of such animal, vehicle, vessel or other conveyance shall be given an option to pay in lieu of its confiscation a fine not exceeding the market price at the date of seizure of the essential commodity sought to be carried.

- (2) Where the Collector, on receiving a report of seizure or on inspection of any essential commodity under sub-section (1) is of the opinion that the essential commodity is subject to speedy and natural decay or it is otherwise expedient in the public interest so to do, he may order the same to be sold at the controlled price, if any, fixed under any law for the time being in force, or where no such price is fixed, by public auction:

Provided that in the case of food-grains, where there is no controlled price, the Collector may order the food-grains seized to be sold through fair price shops at the price fixed by the Central Government or the State Government, as the case may be, for the sale of such food-grains to the public through these' shops:

Provided further that, whenever it is practicable so to do, having regard to the nature of essential commodity, he shall take and preserve sample of the same before its sale or auction.

- (3) Where any essential commodity is sold as aforesaid, the sale proceeds thereof, after deduction of the expenses of any such sale or auction, as the case may be, shall-
- (a) where no order of confiscation is ultimately passed by the Collector, or
  - (b) where an order passed on appeal under sub-section (1) of section 6 C so requires, or
  - (c) where in a prosecution instituted for the contravention of the order in respect of which an order of confiscation has been made under, this section, the person concerned is acquitted, -

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be paid to the owner thereof or the person from whom it is seized: Provided that, in the case of food-grains sold through fair price shops in accordance with the first proviso to sub-section (2), the owner shall be paid for the food-grains so sold the price fixed by the State Government, of retail sale of such food-grains through such shops, less all expenses of sale or auction under sub-section (2).]

+ **Substituted by Mah, Act 1 of 11/76, Sec. 4, w. e. f. 12.11.1975 .**

### Short Notes

It is to be noted here that section 6A is substituted by Mah Act 1 of 1976, w. e. f. 12.11.1975 and following judgments of the Supreme Court should be read after keeping in mind the language of section 6A, as substituted by Maharashtra.

In case of *State of Andhra Pradesh -Vs- Bathu Prakasa Rao*, 1976 DGLS(Soft) 231 = (1976) 3 S C C 301 = AIR 1976 SC 1845, it is observed in para 39 that section 6A of the Act says that the Revenue Officer (who exercised the powers of the Collector), "If satisfied that there has been a contravention of the order", that is to say, the Control Order, "may order the confiscation of the essential commodities seized." It is arguable that the power is there to confiscate whatever essential commodity may have been seized for the purposes of proceeding against the person who has contravened the Control Order; yet, it cannot be denied that this power is discretionary.

The scope of section 6A read with section 7 and effect of amendment on section 7 in 1974 is explained by the Supreme Court in case of *(Thakur Das -Vs- State of Madhya Pradesh*, 1977 DGLS(Soft) 302 = AIR 1978 SC 1 = (1978)1 SC C 27 = 1978 Mah L J 35 = 1978 (0)B C 15-SC. It is observed in para 12-

- (i) Section 6A confers a discretionary power on the Collector to confiscate seized essential commodity if the seizure is on account of contravention or violation of an order made under section 3, in relation to the commodity.
- (ii) The Act envisages two independent proceedings against a person charged with contravention or violation of an order made under section 3 in relation to an essential commodity. Under section 6A the Collector can confiscate the seized commodity. Under section 7 such contravention is made punishable.
- (iii) As section 7 stood at the relevant time, even where a prosecution is launched it was not absolutely obligatory upon the Court to forfeit the property in respect of which the relevant order had been contravened. It was left to the

discretion Court to direct forfeiture of the whole or part of the commodity brought before the, Court in respect of which an offence appeared to have been committed.

- (iv) Since the subsequent amendment in 1974 the discretion of the Court in this behalf is taken away and it is made obligatory upon the Court to forfeit the property in respect of which an offence appears to have been committed under section 7. Therefore; either the Collector can order the confiscation and yet section 6D permits infliction of any punishment to which the person convicted thereby is liable under the. Act irrespective of the fact that the Collector has ordered confiscation under section 6A.
- (v) The dichotomy is that the Collector can proceed to seize the essential commodity and cancel the licence and forfeit the security deposits. A prosecution can be launched and the Court will have to deal both with the question of punishment and forfeiture of the property in respect of which an offence appears to have been committed. Further, even if the Collector confiscated the property it would be still open to the competent authority to launch prosecution and the Court would have to deal with the person who is charged with the offence but in such a situation the question off forfeiture of the property would not arise because the Collector has already confiscated the same.

The scope of section 6A is also explained by the Supreme Court in case of *State of Karnataka -Vs- Krishna Bhima Walvakar, 1981 DGLS(soft) 304 == (1981) 3 S C C 301 = 1981 (1) Scale 913 = AIR 1981 SC 1468*. It was contended before the Court that -

- (1) The power conferred on the Deputy Commissioner under S. 6-A of the Act, by the use of the word 'may', makes it a discretionary power which had to be used according to sound judicial principles.
- (2) The power of confiscation entrusted to the Deputy Commissioner under S. 6-A of the Act is exercisable in relation to an essential commodity seized in pursuance of an order made under section 3. There was nothing to show that the groundnut oil in question had been seized or that a report of such seizure had been made without unreasonable delay to the Deputy Commissioner under the Order and, therefore, the Deputy Commissioner had no power to direct its confiscation under S. 6-A of the Act;



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- (3) It is not established that the Deputy Commissioner had complied with the statutory requirements of S. 6-B of the Act, by giving a show cause notice to the persons concerned against the action proposed to be taken or afforded them an opportunity of hearing and, therefore, the order of confiscation passed by him under S. 6-A was a nullity.

The Supreme Court has rejected all the above contentions and held -

- (i) It is axiomatic that the power of confiscation of an essential commodity seized for contravention of an order issued under section 3, is a discretionary power. The use of the word 'may', however, does not necessarily mean that the Deputy Commissioner cannot, in the given circumstances of a particular case, direct the confiscation of the entire consignment of an essential commodity in relation to which there is a contravention of any of the orders issued under section 3 of the Act. It all depends on the facts and circumstances of each case whether the confiscation should be of an entire consignment or part of it, depending upon the nature of the contravention. The power conferred on the Deputy Commissioner under section 6-A of the Act, by the use of the word 'may', makes the power coupled with a public duty. Sometimes it may be in the public interest to direct confiscation of the entire consignment of an essential commodity when there is deliberate contravention of the provisions of an order issued under section 3.

**[Para 9]**

- (ii) It is, therefore, idle to contend that the power of confiscation under section 6-A of the Act was not exercisable for want of seizure. **[Para 14]**
- (iii) The Deputy Commissioner sent for the declaration in Form II as furnished to the Tahsildar which did not bear a date. He also gave hearing to the parties. That being so, the validity of the order of confiscation under section 6-C cannot be challenged on the ground that the requirements of section 6-B had not been fulfilled. **[Para 15]**

In case of "*Shambhu Dayal Agarwala -Vs- State of West Bengal*", the short question for determination was: whether the Collector to whom a report of seizure of any essential commodity is made under section 6-A of the E C Act, 1955, is empowered by virtue of section 6-E of the Act to release the goods seized in pursuance of an order made under section 3 in relation thereto during the pendency of the proceedings before the Special court? The High Court held that -

“Under S. 6-A of the Act the Collector has under certain circumstances been given power to confiscate the goods. By S. 6-A the Collector has not been given any power to release the goods. S. 6-E is to be read in the perspective of the provision

of S. 6-A of the Act because of the phrase “pending confiscation” under S. 6-A used in S. 6-E. If the Collector has not been given any power to release the goods under S. 6-A, it can never be assumed that by S. 6-E which gives some interim power to the Collector with reference to the proceeding under Section 6-A, the Collector has been given any power to release the goods after finding that the goods cannot be confiscated. Under Section 6-A the Collector may order confiscation of the essential commodities so seized. He has not been given any power to release the goods.”

The Supreme Court upheld the judgment of the High Court though for different reasons.- It is held by the Supreme Court -

“It seems to us that section 6-E is intended to serve a dual purpose, namely (i) to prevent interference by courts, etc., and (ii) to effectuate the sale of the essential commodity under sub-section (2) and the return of the animal, vehicle, etc., under the second proviso to sub-section (1) of section 6-A. In that sense section 6-E is complementary in nature. We are, therefore of the opinion that the High court was right in the ultimate conclusion it reached,”

(\*1990 DGLS(Soft) 281 = 1990 (Supp.1) Scale 183 = 1990 (2) JT 314 = (1990) 3 S C C 549) - (**Considered in Deputy Commissioner -Vs- Rudolph Fernandes, 2000 DGLS(Soft) 435 = 2000 (2) Supreme 29 = 2000 (2) Scale 172 = (2000) 3 S C C 306 = 2000 (2) JT 508 = AIR 2000 SC 1132 and Collector of Ganjam —Vs- Ramesh Chander Padhi, 2009 DGLS(Soft) 105=2009 (3) JT 511 =2009 (2) Scale 267 = 2009 (2) Supreme 205 = A I R 2009 S C 1850= (2009) 17 S C C 492)**

The scope of provisions of section 6A, 6C, object of said provisions and effect of its misuse and remedy for aggrieved person to get compensation for loss of confiscated good are all the issues decided by the Supreme Court in case of *N Nagendra Rao and Company -Vs- State of A P*, 1994 DGLS(Soft) 781 = (1994) 6 S C C 205 = 1994 (5) JT 572 = 1994 (3) Scale 977 = AIR 1994 SC 2663. In this case, the question - “Is the State vicariously liable for negligence of its officers in discharge of their statutory duties? was answered in the negative by the High Court of A. P. while reversing the decree for payment of Rs 1,06,125.72 towards value of the damaged stock with interest thereon at the rate of 6% granted by the trial court for loss suffered by the appellant due to non-disposal of the goods seized under various control orders issued under the E C Act, 1955. The Supreme Court set aside the judgment of the High Court restored decree passed by the trial court It is interesting to note certain observations the Supreme Court while deciding the appeal and they are-

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- (i) Section 6A requires a report of seizure of the essential commodity to be made without unreasonable delay to the Collector of the district who is empowered to direct confiscation if he is satisfied that there has been a contravention of the order. This requirement is to ensure that the higher authority shall apply its mind and take necessary steps' in accordance with law. **[Para 5]**
- (ii) This sub-section (2) of section 6C ensures that a person who has been prosecuted or whose goods have been confiscated does not suffer if the ultimate order either in appeal or in any proceeding is in his favour. It is very wide in its import as it statutorily obliges the government to return the goods seized or to pay the value of the goods if for any reason it cannot discharge its obligation to return it **[Para 7]**
- (iii) The liability to return the goods seized does not stand discharged by offering them in whatever condition it was. Confiscation of part of the goods thus could not affect the 'right of owner to claim return of the remaining goods, Nor the owner is bound to accept the goods in whatever condition they are. **[para 7]**
- (iv) Where the goods confiscated or seized are required to be returned either under orders of the court or because of the provision, in the Act, this court has not countenanced the objection that the goods having been lost or destroyed the owner of the goods had no remedy in private law and the Court was not empowered to pass an order or grant decree for payment of the value of goods. Public policy requires the court to exercise the power in private law to compensate the owner where the damage or loss is suffered by the negligence of officers of the State in respect of cause of action for which suits are maintainable in civil court. Since the seizure and confiscation of appellant's goods was not in exercise of power which could be considered to be act of State of which no cognizance could be taken by the civil court, the, suit of the appellant could not be dismissed. **[Para 33]**

In case of *\*Deputy Commissioner -Vs- Rudolph Fernandes*, the, question before the Court was: whether fine in lieu of confiscation contemplated under the second proviso to Section 6A(1) of the E C Act, 1955 provides for levy of fine on the basis of market value of the confiscated vehicle or on the basis of the market price of the essential commodity sought to be carried by such vehicle? The Supreme Court has set aside the impugned orders holding that measure of imposing fine in lieu of confiscation under second proviso to Section 6A of the Essential Commodities Act would be the market price of the essential commodity seized. It is observed in para 6

“Hence, measure of fine which, is required to be levied in lieu of confiscation under second proviso to Section 6A( I) would be relatable to the market

price of the vehicle and not of the seized. essential commodity . And, the fine amount in lieu of confiscation is not to exceed the market price of the vehicle on the date of seizure of essential commodity. That is to say, limit of such fine would be up-to the market price of the vehicle on the relevant date .and ids within the discretion of the competent authority to fix stich reasonable amount considering the facts and circumstances of each case.”

(\*2000 DGLS(Soft.) 435 = 2000 (2) Supreme 29 = 2000 (2) Scale 172= (2000) 3 S C C 306 = 2000 (2) JT 508 = AIR 2000 SC 1132) - (followed in *Kailash Prasad Yadav -Vs- State of Jharkhand* , 2007 DGLS(Soft) 518 == 2007 (4) Suprem 55 = 2007(6) JT 369=2007 (6) Scale 461 = (2007) 5 SCC 769 = AIR 2007 SC 2626, *Collector of Ganjam -Vs- Ramesh Chander Padhi*, 2009 DGLS(Soft) 105 = 2019 (3)JT 511 == 2009 (2) Scale 267 = 2009 (2) supreme 205 = A I R 2009 S C 1850 = (2009) 17 S C C 492 and *Syed Zakir Ali Syed Ibrahim Ali -Vs- State of Maharashtra*, 2006(1) Bom. C.R. (Cri.) 485-DB= 2005 Cri L J 4085)

It is observed in Case of *Kailash Prasad Yadav -Vs- State of Jharkhand*, 2007 DGLS(Soft) 518 = 2007(4) Supreme 55 = 2007 (6) JT 369= 2007 (6) Scale 461 = (2007)5 S C C 769= AIR 20007 S C 2626—

Indisputably, confiscation of goods and the vehicles and vessels carrying the same amounts to deprivation of property. Confiscation of an essential commodity or a truck is permissible only if the provisions of any order made under Section 3 of the Essential Commodities Act, 1955 are violated. When a vehicle is used for carrying an essential commodity, it may be seized and ultimately directed to be confiscated in terms of Clause (c) of Sub-Section (1) of Section 6-A of the Act. Violation of an order made under Section 3 of the Act, therefore, is a pre-condition for passing an order of confiscation. **[Para 5)**

It is further observed that there is no provision for search of a vehicle in the Public Distribution System (Control) Order, 2001. The power of search is confined to fair price shop or any premises relevant to transaction of business of the fair price shop. The power of such authorities causing a search is confined to Sub-clause (3) of Clause 10 of the 2001 Order to search, seize or remove such books of accounts or stocks of essential commodities where such authority has reason to believe that these have been used or will be used in contravention of the provisions of the Order. A valid seizure, as is well known, as is well sine qua non for passing an order of confiscation of property

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In case of *Collector of Ganjam -Vs- Ramesh Chander Padhi*, 2009 DGLS(Soft.) 105 = 2009 (3) JT 511 = 2009 (2) Scale 267 = 2009 (2)Supreme A 1 R 2009 S C C 1850 == (2009) 17 S C C 492, the true scope and ambit of proviso to Section 6-A(1) of the Act is explained by the Supreme Court.

In this case, the Marketing Inspector found one bus bearing registration No.OIG-185 parked at the Bus Stand and kerosene oil was being poured in the of the bus Looking at them, both the driver and the conductor of the fled away. He drained out the kerosene oil from the oil tank of the bus which contained 42 liters of kerosene, and prepared the sample list by taking 2 liters out of the seized kerosene oil for its chemical examination. The bus as well hs kerosene Control order,1962 read with Clause 3 of Kerosene Control (Restriction on use and Fixation of Ceiling Price), 1993. In the' said proceeding,

In the said proceeding, the respondent who is the owner of the bus filed an application for release ,of the Vehicle. While deciding the aforesaid application, the collector concluded the proceeding under section 6-A of the Act and directed confiscation of the vehicle. However, the Collector in view of the provisions contained in Section 6-A of the Act directed the respondent to pay a fine of Rs.20,000/-

Stand of the writ petitioner was that while considering the application for release of the vehicle, the Collector could not have concluded the proceedings under Section 6-A(1) of the Act. It was also pointed out that if the Collector concluded the proceedings under Section 6-A(1) of the Act, there was no reason for him to impose conditions such as payment of fine of Rs.20,000/- With reference to second proviso to section 6-A(1) of the Act it was submitted that if fine is imposed in lieu of confiscation, the same shall not exceed the market price of the essential commodities seized.

After considering the provisions of said section, it is observed

“Hence, the measure of fine which is required to be levied in lieu of confiscation under the second proviso to Section 6-A(1) would be relatable to the market price of the vehicle and not of the seized essential commodity. And, the fine amount in lieu of confiscation is not to exceed the market price of the vehicle on the date of seizure of the essential commodity. That is to say, the limit of such fine would be up to the, market price of the vehicle on the relevant date and it is within the discretion of the competent authority to fix such reasonable amount considering the facts and circumstances of each case.”

In case of *Arvind Trading Company -vs- State of Maharashtra*, 1992 (0) BCI 146 = 1991(2) Mah L J 1306-DB, the petitions were directed against the order passed

by the respondent No. 1 in Appeal under section 6-C of the E C Act, 1955, confirming the order passed by the Additional Collector, Nagpur, directing confiscation of the stock of the petitioners kept in the Central Warehouse Corporation, Nagpur, in exercise of the powers conferred by section 6-A of the E C Act, 1955 with the further direction, directing the Food Distribution Officer to dispose of the said goods by public auction. It was contended on behalf of the petitioner that if the seizure is found to be not in accordance with law, then the impugned order confiscating the goods is without jurisdiction. The Court, while setting aside impugned order, has considered the provisions of section 6A and observed that seizure of goods is a condition precedent before the order of confiscation could be passed.

The requirements of section 6-A are explained by the High Court in case of *\*Madhav Keshav Mirashi -Vs- State of Maharashtra*, it is observed whether a person is to be prosecuted for the imposition any of the penalties under section 7 or any proceedings are to be taken for the confiscation of the goods under section 6-A before the Collector, requirement to be proved is that there has been a contravention of any order issued under the Act. In other words, the same set of circumstances must be established before an order of conviction is passed or confiscation of property is directed by the Collector under section 6-A. Thus, mens rea would be a necessary element to be proved before confiscation could be ordered. While setting aside impugned order of confiscation, it is held that-

“We are thus satisfied that in the circumstances of this case the important element of mens rea is missing and the petitioner has not made any stock with any of the intentions to contravene the provisions of the Act, which is made an offence punishable under the provisions of the Act or the order issued thereunder.”

(\*1977 U C R (Bom) 619-DB = 1978 Mah L J 219) - (**Followed in** *Syed Zakir Ali Syed Ibrahim Ali -Vs- State of Maharashtra*, 2006(1) Bom.C.R.(Cri.) 485-DB = 2005 Cri L J 4085)

The applicability of the provisions sub-section (2) of section 6A was issue for consideration before the High Court in case of *Wasudeo Industries Ginning Factory - Vs- State of Maharashtra*, 1982 (0) BCI 27-DB = 1982 Mah L J 201. After considering the provisions of section 6-A(2), it is held in para 23 -

- (i) Since cement in our opinion cannot be treated as commodity which is subject to “speedy and natural” decay, it would follow that the provisions of section 6A (2) of

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the Act are not at all attracted. We think that cement becomes solidified and, therefore, destroyed only if there is external application of water and not in the ordinary and normal circumstances speedily.” [Para 23]

- (ii) We think, therefore, taking into account the totality of the circumstances and the provisions of section 6-A, the contention that there is no notice contemplated before exercise of power under sub-section (2) and formation of opinion by the collector is absolute and communication thereof to the person concerned from whom the commodity is seized is unnecessary, is futile and not borne out. [Para 31]

In case of *Syed Zakir Ali Syed Ibrahim Ali -Vs- State of Maharashtra, 2006(1) Bom.C.R.(Cri.) 485-DB=2005 Cri L J 4085*, legality of the order passed by the Additional Collector in exercise of powers under section 6-A(1) of the E C Act, 1955 as to confiscation of goods’ truck belonging to the petitioner was challenged. While setting aside the impugned order and after considering the provisions of section 6-B and the judgment of the High Court and the Supreme Court, it is observed in para 26 -

“It is, thus clear that for the authority who has conducted the proceedings for confiscation of the vehicle when there is contravention of section 3 of the Act was required to give opportunity to the owner of the vehicle to give his option as provided under second proviso to section 6-A of the Act.”

### **<sup>7</sup>[6B. Issue of show-cause notice before confiscation of essential commodity.**

<sup>1</sup>[(1)] No order confiscating <sup>2</sup>[any <sup>3</sup>[essential commodity package, covering, receptacle, animal, vehicle, vessel or other conveyance]] shall be made under section 6A unless the owner of such <sup>3</sup>[essential commodity package, covering, receptacle, animal, vehicle, vessel or other conveyance] or the person from whom <sup>4</sup>[it is seized]-

- (a) is given a notice in writing informing him of the grounds on which it is proposed to confiscate the <sup>3</sup>[essential commodity package, covering, receptacle, animal, vessel or other conveyance];
- (b) is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation; and
- (c) is given a reasonable opportunity of being heard in the matter.

5[(2) Without prejudice to the provisions of sub-section (1), no order Confiscating any animal, vehicle, vessel or other conveyance shall be made under section 6A if the owner of the animal, vehicle, vessel or other conveyance proves to the satisfaction of the Collector that it was used in carrying the essential commodity without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the animal, vehicle, vessel or other conveyance and that each of them had taken all reasonable and necessary precautions against such use.]

6[(3) No order confiscating any essential commodity, package, covering, receptacle, animal, vehicle, vessel or other conveyance shall be invalid merely by reason of any defect or irregularity in the notice given under clause (a) of sub-section (1), if, in giving such notice, the provisions of that clause have been substantially complied with.]

1. **Section 6B renumbered as sub-section (I) of that section by Act 30 of 1974, Sec. 5, w.e.c. f. 22.6.1974.**
2. **Substituted for “any food-grain, edible oilseeds or edible oils” by Act 36 of 1967, Sec. 5, W. c. f. 31.12.1967.**
3. **Substituted for “essential commodity” by Act 30 of 1974, Sec. 5, w. 22.6.1974.**
4. **Substituted for “they are seized” by Act 36 of 1967, Sec. 5.**
5. **Inserted by Act 30 of 1974, Sec. 5, w. e. f.22.6.1974.**
6. **Inserted by Act 92 of 1976, Sec. 5, w. e.f.2.9.1976.**
7. **Sections 6A to 6D inserted by Act 25 of 1966, Sec. 3, w, e. f. 3.9.1966.**

**6C. Appeal.**

(1) Any person aggrieved by an order of confiscation under section

6A may, within one month from the date of the communication to him of such order, appeal to any judicial authority appointed by the State Government concerned and the judicial authority shall, after giving an opportunity to the appellant to be heard, pass such order as it may think fit, confirming, modifying or annulling the order appealed against.

(2) Where an order under section 6A is modified annulled by such judicial authority, or where in a prosecution instituted for the contravention of the order, in respect



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of which an order of confiscation has been made under section 6A, the person concerned is acquitted, and in either case it is not possible for any reason to <sup>1</sup>[return the essential commodity seized], <sup>2</sup>[such person shall, except as provided by sub-section (3) of section 6A, be paid] the price therefor <sup>1</sup>[as if the essential commodity,] had been sold to the Government with reasonable interest calculated from the day of the seizure of <sup>1</sup>[the essential commodity] <sup>1</sup>[and such price shall be determined—

- (i) in the case of food-grains, edible oilseeds or edible oils, in accordance With the provisions of sub-section (3B) of section 3;
- (ii) in the case of sugar, hi accordance with the provisions of sub-section (3C) of section 3; and
- (iii) in the case of any other essential commodity, in accordance with the provisions of sub-section (3) of section 3].

**1. Substituted by Act 32 of 1967, Sec. 6, e. f.30.12.1967.**

**2. Substituted by Mah, Act 1 of 1976, Sec. 5, w.e.f. 12.11.1975.**

**Same amendmen is also made by Act 92 of 1976, Sec. 6, w. e.f 2.9.1976**

### **Short Notes**

The provision of section 6C are interpreted by the Supreme Court in case of Thakur Das -Vs- State of Madhya Pradesh, 1977 DGLS(Soft.) 302 = AIR 1978 SC 1 = (1978) I see 27. In this case, appeal was filed by the aggrieved licensee under section 6C of the EC Act before the Judicial Authority constituted under S. 6-C of the Act, being the Sessions Judge, Mandsaur, against that part of the order by which the seized foodgrains were ordered to be confiscated. The High Court disagreed with the opinion of the Sessions Judge and held that in the facts and circumstances of the case confiscation was just and proper and accordingly set aside the order of the appellate authority and restored the order of the Collector.

The appellant raised two contentions before the High Court and the Same were canvassed, before the Supreme Court. It was contended, (1) the judicial authority constituted by the State Government under section 6C of the Act to hear appeals against the order of confiscation that may be made by the licensing authority tinder S. 6A is not an inferior criminal court subordinate to the High Court and amenable to the revisional jurisdiction of the High Court under S 435 read with Sec. 439 of the Code of Criminal Procedure ,

and (2) in the fact and circumstances of this case, the High court was not justified interfering with the order of the appellate authority who had exercised its discretion one way merely because the High Court took a different view of the matter,

The Supreme Court has considered the provisions of section 6A and 6C of the E C Act along with the relevant provisions Of Code of Criminal procedure and held in para 11—

- (i) We are accordingly of the opinion that even though the State Government is authorised to appoint an appellate authority under S. 6C, the legislature clearly indicated that such appellate authority must of necessity be a judicial authority, Since under the Constitution the courts being the repository of the judicial power and the officer presiding over the court derives his designation from the nomenclature of the Court, even if the appointment is made by the designation of the judicial officer the appellate authority indicated is the Court over which he presides discharging functions under the relevant Code and placed in the hierarchy of courts for the purposes of appeal and revision.
- (ii) Viewed from this angle, the Sessions Judge, though appointed an appellate authority by the notification, what the State Government did was to constitute an appellate authority in the Sessions Court over which the Sessions Judge presides. The Sessions Court is constituted under the Code of Criminal Procedure and indisputably it is an inferior criminal court in relation to High Court,
- (iii) Therefore, against the order made in exercise of powers conferred, by section 6C, a revision application would lie to the high Court and the High court would be entitled to entertain a revision application under sections 435 and 439 of the Code of Criminal Procedure, 1898 which was in force at the relevant time and such revision application would be competent.

In case of *Ratnaraj Thangraj -Vs- Deputy Controller of Rationing, 1982(1) Bom. C. R, 475-DB*, the High Court has set, aside the order of Principal Judge, dismissing the appeal under section 6-C of E C Act, 1955, as barred by limitation. It is observed that there is no dispute that the said appeal was filed two days after the expiry of the said period of limitation and the provisions of section 5 of the Limitation Act, 1963, not having been expressly excluded, apply by reason of section 29(2) of the Act. In such circumstances, the Principal Judge erred in dismissing the appeal as barred by limitation.

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It is held that there is sufficient cause for condoning delay of two days in preferring appeal.

In case of *J. D. Sons -Vs- Additional Collector, 2010 (1) Bom C. R. 138-SB*, the High Court rejected the contention of the State of having alternative remedy of appeal for the petitioner to the Judicial Authority under section 6C of the Act. It is observed-

- (i) A person whose rights are being infringed has been given a right of appeal by Parliament and forum there for is to be prescribed by the State Government. The said forum can be prescribed only through some public proclamation like Gazette Notification and in absence thereof, some order passed in concerned file by State Government privately, cannot oblige aggrieved person to file appeal before authority not known to him. **[Para 18]**
- (ii) The contention of the learned Assistant Government Pleaders that provisions of law do not contemplated any such public notification is, therefore, erroneous. State Government itself has communicated this appointment and taken steps to see that it is published in Government Gazette. The date of publication in Government Gazette has not been brought on record by the respondents. The impugned orders in all these matters are dated 22.9.2009 and appeal 'there again was expected to be filed within one month from the date of its communication to the petitioners. Whether within said one month appointment was informed through publication in Government Gazette or not has also not been clarified by the respondents. The authority i.e. respondent No. I while passing impugned order could have included in that order a line communicating the petitioners the Appellate Authority to which they could have approached under section 6-C but such advice is also missing in the impugned orders. The argument of alternate remedy is, therefore, without any merit. **[Para 19]**

### **6D. Award of confiscation not to interfere with other punishments.**

The award of any confiscation under this Act by the Collector shall not prevent the infliction of any punishment to which the person affected thereby is liable under this Act.

### **+6E. Bar of jurisdiction in certain cases.**

Whenever any essential commodity is seized in pursuance of an order made under section

3 in relation thereto, or any package, covering or receptacle in which such essential commodity is found, Or any animal vehicle, vessel or other conveyance used in carrying such -essenti commodity is seized pending confiscation under section 6A, the Collector, or, as the case may be, the State Government concerned under section 6C shall have, and, notwithstanding anything to the contrary contained in any other law for the time being in force, any court, tribunal or other authority shall not have, jurisdiction to make orders with regard to the possession, delivery, disposal, release or distribution of such essential commodity, package, covering, receptacle, animal, vehicle, vessel or other conveyance.]

+ Section 6E inserted by Act 92 of 1976, Sec. 7, and later on, substituted by Act 42 of 1986, Sec. 2, w. e. f.9.9.1986 .

### Short Notes

The provisions of section 6E are interpreted by the High Court in case

\*State of *Maharashtra -Vs- Manishkumar s/o Babulal Biyani*. After considering the provisions of section 6E, it is observed -

“These provisions show that the jurisdiction of the Court or tribunal or any other authority’ is ousted only if the essential commodity is seized and confiscation proceeding under section 6-A is pending before the Collector and/or before the State Government under section 6-C. The net result of these provisions is that in there is no confiscation proceeding pending under section 6-A before the Collector and/or under section 6-C before the State Government, then the Court or tribunal or any other authority can have jurisdiction to make orders with regard to the possession, delivery, disposal, release or distribution of such essential commodity, etc. Thus the jurisdiction of the Court or tribunal or any other authority stands ousted only if there is a confiscation proceeding pending before the Collector and/or the State Government either under sections 6-A or 6-C. Otherwise, the Court or tribunal have a jurisdiction to dispose of the said property as per the procedure laid down.” [Para 7]

(\*1998 Bom CR. (Cri) 452-SB = 1998 (1) Mah L J 431 = 1998 (1) Cri L J 303) - (**Ratio of State of M.P. -Vs- Rameshwar Rathod, 1990 Cri. L. J. 1756-S C, explained.**)

In case of \*State of *Maharashtra -Vs- Lalit S Nagp*, the question before the Court was: whether the Special. Judge appointed under the E C Act, bas powers to pass interim orders in respect of release of property involved in the commission of offences under the Essential Commodities Act? In this case, tankers, petroleum products, documents,

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cash etc. were seized and an offence was registered against the respondents. The trial court passed interim orders releasing property and the High Court affirmed the same.

It was contended that section 6-B which creates a bar in the powers of any Court, tribunal or other authority comes into play only in respect of commodity about which confiscation proceedings under section 6-A are pending and therefore according to him in the instant case confiscation proceedings were not pending regarding all the property involved in all the applications and as such prayer under section 6-E would not apply. But this contention was rejected by the Court and it is observed that such contention cannot be accepted because section 6-E is in respect of two contingencies i.e. seizure of essential commodity in pursuance of an order under section 3 or seizure of such commodity, vehicle, vessel etc. pending confiscation under section 6-A. It is further observed - "The provisions of section 3 and 6-A are altogether different. Section 3 gives power of control, production, supply, distribution etc. of essential commodities to the Central Government; whereas section 6-A is in respect of confiscation of seized commodities. Seizure of essential commodity with package, covering or vehicle under section 3 is therefore different from the confiscation under section 6-A and it is further clarified in section 6-A itself which provides that "Where any essential commodity is, seized in pursuance Or an order made under section 3, a report to that effect shall be sent to the Collector and he may thereafter order confiscation of the said commodity, package or the vehicle."(\*1999(5)*Bom C R 487-SB = 1999 (1) Mah L J 915*) - (**Referred in** *Syed Zakir Ali Syed Ibrahim Ali -Vs- State of Maharashtra, 2006(1) Bom.C.R.(Cri.) 485-DB- 2005 Cri L J 4085*)

In case of *Vitthal Pandurang Navle -Vs- State of Maharashtra, 2003 (4) Mah L J 831-SB*, the High Court has interpreted the provisions of section 6-E "A reading of the provisions would indicate that under section 6-E of the Act what is required is not only a seizure but also pendency of confiscation proceedings under section 6-A before the Collector, before the bar of jurisdiction under said section can be invoked. A perusal of this provision with similar provision in other Acts, e. g. section 61-G of the Indian Forest Act (Maharashtra Amendment) would, indicate that the words "pending, confiscation" is an additional requirement under the Essential Commodities Act, 1955."

### **7. Penalties.**

1 [(1) If any person contravenes any order made under section 3,—

- (a) he shall be punishable.
- (i) in the case of an order made with reference to clause (h) or clause (i) of sub-section (2) of that section, with imprisonment for a term which may extend to one year and shall also be liable to fine; and
- (ii) in the case of any other order, with imprisonment for a term which shall not be less than three months but which may extend to seven years and shall also be liable to fine:

Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than three months;

- (b) any property in respect of which the order has been contravened shall be forfeited to the Government;
  - (c) any packing, covering or receptacle in which the property is found and any animal, vehicle, vessel, or other conveyance used in carrying the property shall, if the court so orders, be forfeited to the Government.
- (2) If any person to whom a direction is given under clause (b) of sub-section (4) of section 3 fails to comply with the direction, he shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to seven years and shall also be liable to fine: Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than three months;
- (2A) If any person convicted of an offence under sub-clause (ii) of clause (a) of sub-section (1) or under sub-section (2) is again convicted of an offence under the same provision, he shall be punishable with imprisonment for the second and for every subsequent offence for a term which shall not be less than six months but which may extend to seven years and shall also be liable to fine: Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months;
- (2B) For the purposes of sub-sections (1), (2) and (2A), the fact that an offence under sub-clause (ii) of clause (a) of sub-section (1) or under sub-section (2) has caused no substantial harm to the general public or to any individual shall be an

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adequate and special reason for awarding a sentence of imprisonment for a term of less than three months or six months, as the case may be.]

<sup>2</sup>[(3) Where a person having been convicted of an offence under sub-section (1) is again convicted of an offence under that sub-section for contravention of an order in respect of an essential commodity, the Court by which such person is convicted shall, in addition to any penalty which may be imposed on him under that sub-section, by order, direct that person shall not tarry on any business in that essential commodity for such period, not being less than six months, as may be specified by the Court in the order.]

1. **Substituted for sub-sections (1) and (2) by Act 30 of 1974, Sec. 6, w. e. f. 22.6.1974.**
2. **Inserted by Act 36 of 1967, Sec. 7.**

### Short Notes

#### *Synopsis*

- (i) Scope and requirements.
- (ii) Reduction in sentence.
- (iii) E C Act and Probation of Offenders Act.

#### **(i) Scope and requirements.**

The scope and requirements of section 7 are explained by the Supreme Court in case of *\*Nathulal - Vs- State' of Madhya Pradesh*. The question before the Court was: whether under S. 7 of the Act a factual non-compliance of the Order by a dealer will amount to an offence thereunder even in there is no mens rea on his part? It is held that the appellant did not intentionally contravene the provisions of section 7 of the Act or those of the Order made under S. 8 of the Act and the appellant was acquitted. After reading the provisions of section 3 and 7, it is explained -

- (i) A combined reading of these provisions shows that if a dealer in food-grains as defined in the Order carries on business as a dealer without a licence, he commits an offence under section 7 of the Act and is liable to imprisonment and fine thereunder.
- (ii) Sub-section (2) of section 3 of the Order raises a rebuttable presumption that if a dealer stores food-grains in quantity of 100 maunds or more he shall be deemed to have stored the said food-grains for the 'purpose of sale.

(iii) Having regard to the object of the Act, namely, to control in general interest, among others, trade in certain commodities, it cannot be said that the object of the Act would be defeated if mens rea is read as an ingredient of the offence. The provisions of the Act do not lead to any such exclusion. Indeed, it could, not have been the intention of the Legislature to impose heavy penalties like imprisonment for a period upped 3 years and to impose heavy fines on an innocent person who carries on business in an honest belief that he is doing the business in terms of the law. Having regard to the scope of the Act it would be legitimate to hold that a person commits an offence under section 7 of the Act if he intentionally contravenes any order made under section 3 of the Act. So construed the object of the Act will be best served and innocent persons will also be protected from harassment.

(\*1965 DGLS(Soft) 90 = AIR 1966 SC 43) -(**Followed in** *Madhav Keshav Mirashi -Vs- State of Maharashtra*, 1977 U.C.R. (Bom.) 619-DB = 1978 Mah L J 219)- (**Ratio explained** in *Reliance Industries Limited -Vs- State of Maharashtra*, 2005(Supp.) Bom. C. R. (Cri.) 291-DB = A I R 2006 Bam 213 = 2005 (3) Mah L J 40 = 2006 (3)Mah L J 739)

The provisions of section 7 are interpreted by the Supreme Court in case of *State of Madhya Pradesh -Vs- Narayan Singh Shamsher Singh*, 1989 DGLS (Soft.) 349 = 1989 (2) Scale 93 = 1990 (3)JT 239 = (1989) 3 S C C 596 = AIR 1989 SC 1789. In this case, the Trial Magistrate held that the prosecution had failed to prove that the accused were attempting to export the Fertilizer and he, therefore, acquitted them. On the State preferring appeals against acquittal under section 378(3) Criminal Procedure Code, the High Court declined to grant leave While allowing the appeals and declaring that the Trial Magistrate and the High Court were wrong, in the view taken by them of the Fertilizer (Movement Control) Order read with sections 3 and 7 of the E C Act, the Court not awarded Any punishment to the respondents for the commission of the aforesaid offence considering the delay, in litigation. The Court has considered the effect of Amendment Act 30 of 1974 amending section 7 While interpreting section 7, it is held in para 7 -

“We therefore hold that the Trial Magistrate and the High Court were in error in taking the view that the respondents in each of the appeals were not liable for conviction for contravention of the F.M.C. Order read with Ss, 3 and 7 of the E. C. Act since the prosecution had failed to prove *mens rea* on their part in transporting fertilizer bags from Madhya Pradesh to Maharashtra, “



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In case of *\*Murarilal Jhunjhunwala -Vs- State of Bihar*, the appellant was prosecuted for contravention of Section 7 of the E C Act i.e. for carrying on his business without licence. It was not disputed that the appellant initially had licence for carrying on his business up to 1983., subsequently, the appellant also applied for new licence under relevant Order with the payment of licence fees and he was allotted licence No. 100/84. With the allotment of the new licence number, the appellant was not left with any doubt in his mind that he had no licence. The licensing authority neither rejected his claim nor pointed out any defects in his application. Bona fide believing that he has not done any illegality the appellant went on every year applying for licence according to law with the payment of licence fees. The Authority also went on accepting the applications and the licence fees but not granted the licence sought for. The authority however, prosecuted the appellant for carrying on his business without licence.

The question before the Court was: whether there is any justification for prosecuting the appellant. The Supreme Court quashed the proceeding against the appellant pending in the Court of SM and Collector and further directed that the appellant be granted license forthwith for which he has already applied according to law. However, it is necessary to note some important observations of the court while granting relief to the appellant and they are -

“Technically, the authorities may be justified in prosecuting the appellant for carrying on the business without obtaining the licence. But the facts of the case reveal that the appellant is not to be blamed. If there is anybody to be blamed in this case it is only the Licensing Authority who has failed to perform its statutory duties. The appellant has done all that he could do, under the law, He has not been told at any time that he is required to do anything more than what he has already done. For successive four years the Licensing Authority went on accepting the application for licence with the necessary licence fees, and at no time it denied the claims of the appellant. Its silence seems to demonstrate the total lack of awareness to the rights of the appellant. To cover up its own inaction and lethargic attitude, it seems to have directed tile prosecution of the appellant.”

### [Para 5]

(\*1990 DGLS(Soft.) 692 = AIR 1991 SC 515= 1991 (Supp2) SCC 647) -  
(*Distinguished in Reliance Industries Limited - Vs - State of Maharashtra, 2005(Supp.) Bom.CR.(Cri) 291-DB= A I R 2006 Bom 213 = 2005 (3) Mah L J 40 = 2006 (3) Mah L J 739*)

The extent of applicability of the provisions of Code of Criminal procedure to the proceedings initiated under E C Act before the Criminal issue before the Supreme Court in case of *State of West Bengal –Vs- Falguni Dutta, 1993 DGLS(Soft) 439 = (1993) 3 S C C 288 = 1993 (3) JT 288 = 1993 (2) Scale 743*. The questions before the Court were (i) whether a Special court constituted under Section 12-A of the E C Act, 1955 is empowered to exercise powers under sub-section (5) of Section 167 of Code of Criminal Procedure, 1973 in relation to an accused person forwarded to it under clause (b) of subsection (1) of Section 12-AA of the Act? and (ii) whether a Special Court can, notwithstanding the fact that the charge-sheet has been filed after the expiry of the period of six months from the date of arrest of the accused person or the extended period, take cognizance of the offence and proceed to try and punish the accused person? It is held in para 9-

“While we agree with the view taken by the High Court of Calcutta that in the case of the offence punishable under Section 7(I)(a)(ii) of the Act which is tried by a Special Court constituted under Section 12-A, the provision of section (5) of Section 167 of the Code gets attracted if the investigation has not been completed within the period allowed by that sub-section but we find it difficult to sustain that part of the order of the High Court by which the order of the Special court taking cognizance of the offence on the police report, i.e., charge-sheet submitted under Section 173(2) of the Code came to be quashed.”

The applicability of part of section 7 to the facts of the case was issue before the Supreme Court in case of *Keshabhai Malabhai Vankar -Vs- State of Gujarat, 1993 DGLS(Soft) 582 = 1995 (Supp.3) S C C 704*. It was contended on behalf of the appellant that the case falls under Section 7(1)(a)(i) of the Act and as a result the rigour to impose minimum sentence does not arise and the court below and the High court Committed a grave error in convicting the appellant for the offence under Section 7(1)(a)(ii) of the Act. While rejecting the contention, it is observed that if the accused contravenes the offence of not furnishing the information relating thereto, as may be specified in the regulation when he/she is required to do or prohibition thereof is regulated; or when he/she engaged in the production, supply or distribution of or trade and commerce in any essential commodity and was required to maintain and produce for inspection such books, accounts and records relating to the business and to furnish such information relating thereto, as may be specified in the Order and if he contravenes such an order or regulation then the case would full under Section 7(1)(a)(i) of the Act.

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In this case, the charge was of sale in violation of the Order for which he is convicted. It does not fall under either of the two quoted clauses (Section 3(1)(h), (i). The necessary fact is that the Order was obviously issued under Section 3(3) of the Act. In this situation, it is held that the trial court was left with no option but to convict the appellant for offence under Section 7(1)(a)(ii) which provides that “in the case of any other order with imprisonment for a term which shall not be less than three months but may extend to 7 years and shall also be liable to fine”. This mandatory imprisonment was imposed to maintain supply and distribution of the essential commodities regulation or distribution thereof).

In case of Bijaya Kumar Agarwala Jagdish Prasad Agarwal -Vs- State of Orissa, 1996 DGLS (Soft) 1119 = (1996) 5 S C C 1 = 1996 (7) JT 56 = 1996 (5) Scale 530 == 1996 (5) Supreme 759 = AIR 1996 SC 2531, the Supreme Court set aside the conviction of appellant (in two separate appeals) under section 7 of the E C Act. In this case, the appellant was travelling in the truck carrying 124 bags of paddy and he was charged and tried under Section 7 of the Act as he had no licence issued to him under the Order. He was convicted and sentenced on the finding that his act amounted to ‘storage’ for which a valid licence was necessary. Since he had no such licence, it was held that he had violated the provisions of the Order. The conviction and the sentence were confirmed in appeal. A revision was filed in the High Court which was referred to a division bench; the point of reference being whether paddy loaded in a truck in excess of the permissible limit while in transit can be deemed to be ‘stored’ within the meaning of the expression ‘storage’ used in the Order”. The division bench, after examining the law on the point, held by the impugned judgment dated 12/12/1988 that under the Order, transshipment in a moving vehicle or vessel amounted to ‘storage’. The criminal revision was accordingly dismissed and this judgment was impugned before the Supreme Court.

It is observed in para 19 that in a given situation, a truck could be used as a store, but it is not a correct view that the mere fact that goods were found in a moving truck could prove that the goods were ‘stored’ in violation of the Order which makes such an act (when goods stored were rice or paddy in excess of the limit) a penal offence. It is held in para 22-

“Both the appellants before us were merely found moving in trucks with paddy in excess of the quantity permitted to be ‘stored’. Nothing more was proved. That by itself cannot amount to ‘storing’ of goods and hence they cannot be said to have contravened any of the provisions of the Order.

Therefore, they are not liable to be convicted Or sentenced under Section 7 of the Act.”

In case of *State of Tamil Nadu -Vs- Pardmasiva Pandian, 2001 DGLS(Soft),1359 = (2002) 1 S C C 15=2001 (9) JT357 = 2001(8) SupreME I, = 2001 (7) Scale 532 = AIR 2001 SC 2972*, the question before the Curt was:

whether the special court which ceased to be a special court under the Essential Commodities (Special Provisions) Act, 1981, but continued as such under the Narcotic Drugs and Psychotropic Substances Act, 1985 has the power to remand an accused who is implicated for an offence under the Essential Commodities Act, 19557 the question is answered in the negative for reasons that the special court constituted for NDPS Act cases is a Court of exclusive jurisdiction for trial of the particular class Of cases provided under the NDPS Act and it has not been vested with power of judicial Magistrate for the purpose of dealing with EC Act cases,

The applicability of section 7 is discussed in brief by the Supreme court in case. of *Prakash Babu Raghuvanshi -Vs- State of Madhya Pradesh, 2004 DGLS(Soft.) 596 == 2004 (8) Scale 95 = (2004) 7 S C C 490 = 2004 (6) Supreme 668*. It is observed that it was necessary for the prosecution to place on record the “order” which, according to it, was the foundation for taking action against the accused-appellant. It is observed - “Section 7 refers to contravention of any order made under Section 3 and it is essential for bringing in application of Section 7 to show that some order has been made under Section 3 and the order has been contravened. Section 3 deals with powers to control production, supply, distribution etc. of essential commodities. Exercise of such powers, can be done by “order”. According to Section 2(c) “notified order” means an order notified in the *Official Gazette*, and Section 2(cc) provides that “order” includes a direction issued thereunder.”

In case of *State of Maharashtra - Vs- Morarji Hirji Maru, BCI 1978 (0) 35 -DB = 1978 Mah L J 260*, Criminal Revisions were referred to Division Bench for decision and questions before the Court were-

- (i) Whether the Magistrate had power at all to pass an order of return of goods in question to the accused, though they were convicted. In other words, could the Magistrate act under section 7 of the Act as it stood on 12-8-1972 when the offence was committed or was obliged to follow the provisions of the amended section 7 as it stood on 31st October 1974 when the criminal cases were heard and disposed of;

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- (ii) When the Collector had already passed an order of disposal of the goods under section 6-A of the Act and the parties are permitted to seek remedies under section 6-C, can the Magistrate pass an order of disposal of property under section 7 of the Act? Inhere are two such orders on record which of them should prevail over the other; and
- (iii) If the Magistrate had the discretion to pass the impugned order has he exercised that discretion properly?

The relevant and important observations of the Division Bench, while deciding reference, are reproduced below -

- (i) It would be clear that ordinarily after convicting all accused person under clause (b) of sub-section (1) of section 7 of the Act, the Court Can pass an order of forfeiture. Where, however, it does not want to forfeit in view of the proviso to that clause it will refrain from passing an-order for forfeiture. That would not, however, be the end of the matter, A positive direction has to be given for which there is no specific provision in the Act, That being so, the provisions of section 517 (Code of Criminal Procedure - Old) will automatically operator and the Court would be entitled to pass an order directing the delivery of the property to the person who is entitled to its possession. **[Para 10]**
- (ii) The same legal position continues to operate even after section 7 of the Act stands amended. However, the provisions of the Code would now be subjected to the provisions of the amended section 7. The amended section 7 is very much rigorous than the earlier section 7. Not only there is Considerable differente in the substantive sentences proposed to be imposed but there is a drastic change in the approach to the order of disposal of property. Whereas under the old section in spite of conviction return of the property to the accused was possible under certain circumstances under the new section the provisions of clause (b) of sub - section (1) of section 7 require the Court to forfeit the property is held Government the moment any offence in respect of that property is held proved. The contravention of the provisions being held proved automatically lead to the order of forfeiture to Government. This is a very important change and affects the rights of accused persons unfavourably. **[Para 11]**
- (iii) We are thus satisfied that the provisions of section 6-A to 6-D of the Act have a very limited function to perform. This being so the order of the Collector in any Case would always be subject to the final order passed by the Magistate under section 7. Why is it then that the Legislature has added sub-section (2) to section 6-C?

The reason is obvious. That Sub-section does not deal with or cover all possible cases of the disposal of property under the final orders of the Magistrate at the conclusion of the trial. **[Para 29]**

- (iv) We have already held that the provisions of sections 6-A to 6-D are of interlocutory character and provisional in nature and must always yield to the final order passed by the Court under section 7. If, therefore, the Court directs that the property be returned to the accused in spite of the conversion and the property in spite of Collector's order of confiscation and sale, how can the trial Magistrate's order be implemented? We have no doubt that, that can be implemented by reading the provisions of section-7 of the Act along with the provisions of section 517 of the Code, including the explanation thereunder, However only in two cases covered by sub-section (2) of section 6-C interest would be payable. In all other cases under section 517 explanation, no interest need be paid. **[Para 34]**

In case of *Narayandas Madanlal Somani -Vs- State of Maharashtra, 2002 Bom. C. R.(Cri.) 722-SB*, the accused appellant was convicted for the offence punishable under section 7 read with section 3 of the E C Act. The prosecution case was that P. S. I. received information that bags of wheat, which were to be sold from the fair price shop, were stored in the adalat shop of the accused. He, therefore, went to that shop along with the police and the panchas and five bags of wheat were, found in the shop and those bags, there was the stamp of Food Corporation of India. A panchanama was prepared and the five bags of wheat were seized. He then filed F.I.R. at the Police Station Crime was registered and after completion of investigation, he submitted the charge-sheet before the Special Judge. The Special Judge framed charge against the two accused for offence punishable under section 7 read with section 3 of the E C Act, read with Clause Nos. 4 and 6 of the Maharashtra Foodgrains Rationing (Second) Order, 1966, and also of Maharashtra Scheduled Regulation of Distribution Order, 1971. The Special Judge convicted one of the accused and that conviction was challenged before the High Court. While setting aside conviction, it is observed-

“Merely the statement that the bags of wheat were having the stamp of Food Corporation of India would not be sufficient to hold that the bags contained wheat to be sold through the fair price shop. The learned Counsel for the appellant has argued that the fair price shop keeper is allowed to retain the gunny bags in which the foodgrains are supplied to him, after selling the foodgrains generally, these bags are sold in the open market by the fair price shop keeper. So, the finding of the bags with the stamp

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of Food Corporation of India with the shopkeeper accused is not a surprising matter. It may be so, but there is no such suggestion to any of the prosecution witnesses or there is no specific stand to that effect, taken before the trial Court. However, the fact remains that the prosecution has not proved that the wheat which was seized was to be sold through the fair price shop.” [Para 7]

In case of *Pradeep Domaji Bhanose -Vs- State of Maharashtra, 2003 Bom. C.R.(Cri) 706-SB = 2003 (1) Mah L J 40*, it was further stated that the truck in question was seized carrying coal since there was no authorisation or any receipt authorising transport of the coal nor there was, any transport permit. The High Court has set aside the conviction of accused under sections 3 read with section 7 of E C Act, 1955 read with CIs. 12-B & 12-E of the Colliery Control Order, 1945, with the observations-

“By a notification dated 24th July, 1967; referred to above, restrictions imposed under the Colliery Control Order, 1945 have been modified by the Central Government in so far as non cooking coal of all grades, produced in all coal fields, cooking coals not required for-metallurgical consumers and coal produced in Assam do not now required. any order of allotment or written authority provided such coal is consumed within India. In view of this notification, no written order or order of allotment or written authorities are required for non cooking coal of all grades, produced in all coal-fields. Therefore; the prosecution of the applicants under sections 3 and 7 of the Essential Commodities Act, 1955 read with Clauses 12-B and 12-E. of the Colliery Control Order, 1945 can not be sustained and the prosecution is required to be quashed.”

in case of *State of Maharashtra.-Vs- Ram Pandharinath Chidrawar, 2006 B.C.L. 113-SB =2006 (4) Mah L J 508*, the High Court upheld the order Of trial court for invoking the provisions of section 258 of Code of Criminal Procedure for stoppage of prosecution against accused under section 3 read with section 7 of E C Act. It is observed in para: 8 -

“In the present case, there is no dispute that the stocks of oil seeds an edible oil found with respondent was well within the permissible limits. Therefore, proceeding further with the case would have resulted in abuse of the process of law. In these circumstances, learned Special Judge was justified in resorting to the power of stoppage of proceedings under section 258 of the Code.”

In case of *Sunil Premasukh Saliheti-Vs- State of Maharashtra, 2006 B.C.L. 45-SB*, the main allegations against the petitioners were that they have stored gas cylinders with an intention to sell it in that black market. There was no price restriction on the commodity and/or was any restriction in respect of quantity at the relevant time. The commercial gas cylinders were available in the open market. After of the charge-sheet, the petitioners appeared and moved an application for discharge and thereby, contending that on the basis of the allegations made in the charge-sheet and the evidence collected by the prosecution, no charge could have been framed against the petitioners. Therefore, the continuation of such criminal proceedings amounts to abuse of process of law. The Special Judge, however, rejected the same basically by observing that the accused could not explain the possession of the gas cylinders. The High Courts has held that the petitioners have made out a case as prayed in their application for discharge. The Court has considered the provisions of Clause 11 of the Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 1993 and observed -

“The basic requirement, therefore, is that an officer of the Department of Food and civil supplies of the Government not below the rank of an Inspector authorized and notified by the Government *and/or* any officer not below the rank of the Sales Officer of Government Oil Company as authorised, only has a power of entry, search and seizure and to do other necessary things, if required. In the present case, admittedly, there is nothing on record to suggest and/or even born out from the record that the Police Head Constable, in question, who has lodged the complaint, has any authorisation by the Government as contemplated in Clause 11.”

**(ii) Reduction in sentence.**

In case of *\*Sopana Trimbak Wani -Vs- State of Maharashtra*, though the Supreme Court confirmed the judgment of conviction delivered by the High Court but reduced the sentence after considering the amount of profit in the transaction.: It is observed —

“In this case, In the circumstances, we are of the view that this is a fit case in which we would be justified in acting under the proviso to Section 7 (I) (a) (ii) of the Essential Commodities Act, 1955 in reducing the sentence of imprisonment to that already undergone by the appellant though it would be less than three months. The appellant has also been sentenced to pay a fine of Rs, 3,000/-. We find from the evidence that the appellant has not made a profit of more than Rs. 2,300/- in this transaction. We think that in the circumstances, it would meet the ends of justice if the fine imposed on the appellant is reduced to Rs. 2,000/-.”



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(\*1976 DGLS(Soft.) 264 = (1976) 4 S C C 299 = AIR 1977 SC 696) -(Followed in *Sopan Trimbak Wani -Vs- State of Maharashtra, 1978 UCR.(Bom.) 593-SB*)

In case of *Jethabhai Valobhai Sanghada -Vs- State OF /Gujarat, 1993 DGLS(Soft.) 830 == 1994 (Supp.2] S C C 530*, the Supreme Court refused to interfere with the conviction of appellant but modified the sentence after considering the explanation of accused in peculiar facts of the case.

In the instant case the case of the prosecution was that the appellant did not maintain bill books, stock book and purchase register for inspection. But the Court observed that in view of the explanation given by the appellant, it only amounts to violation of the order which is made under clause (h) of Section 3(2) for which the minimum sentence is not prescribed: The offence is said to have been committed in the year 1983 and the appellant has been in jail for about six weeks. In this situation, the conviction was confirmed but the sentence is reduced to a period already undergone -.

In case of *R. Soundararajan -Vs- Seed Inspector, 2006 DGLS(Soft.) 685 =2006 (9) JT 1· = 2006 (10) Scale 7 = 2006 (7) Supreme 632*, for violation of Clauses 3(1), 8(a) and (b) and 18(1) of Seeds (Control) Order, 1983 with reference to clauses (a), (h) and (i) of sub-section 2 of the Section:’ punishable under-Section 7(1)(a)(ii.) of the Essential Commodities Act, 1955., the Special Judge sentenced the appellants/accused to undergo three months simple imprisonment and to pay a -fine of Rs. 1000/- each on three counts. It is necessary to note here that the sale of seeds to the public has not been proved by examining any of the purchasers. The trial court arrived at a definite finding that evidence on record established that Seed Inspector PW I had visited the shop of appellant No. 1 and found that the seeds were being sold by appellant No.2 as an agent of appellant-No 1 Without any valid license. According to the trial court, on the basis of evidence and documents on record, it could be concluded that the appellant had violated Clauses 3(1), 8(a) and (b) and 18(1) of the Seeds (Control) Order, 1983 issued under Section 3 of the Essential Commodities Act punishable under Section 7(1)(a)(ii) of the said Act.

After considering the age of accused, quantity of seed seized being small and the present was the first case recorded in the State of Tamil Nadu for violation under the Seeds (Control) Order, 1983, the Supreme Court, on consideration of the totality of the facts and circumstances of this case particularly in view of the statement made by the learned counsel for the State, reduced the sentence of accused to the period already undergone by them.

In case of *Harendra Nath Chakraborty -Vs- State Of West Bengal, (2009) 2 S C C 758*, the convicted accused prayed before the Supreme Court for invoking the provisions of proviso to section 7(1)(a)(ii) of the E C Act, 1955. While rejecting such prayer, it is observed that the said provision can be invoked provided the Court is in a position to assign special reasons there for and such a case has not been made out. It is observed-

“In the facts and circumstances of the case, we are of the opinion that no case has been made out to invoke the proviso appended to Section 7(1)” (a)(ii) of the Act particularly in view of the fact that appellant was found to have violated the provisions of both the Orders. Appellant was dealing with an essential commodity like kerosene. If the Parliament has provided for a minimum sentence, the same should ordinarily be Imposed save and except some exceptional cases which may justify invocation of the proviso appended thereto.” [See paras 26, 27, S C C]

### **(iii) E C Act and Probation of Offenders Act**

In case of *\*Kanhaylal Kundanmal Oswal-Vs- State of Maharashtra*, it was contended by the accused before the Court that the benefit of the provisions of section 4 of the Probation of Offenders Act should be extended to him, to release him on probation of good conduct. While dealing with the contention, it is observed -

“Now it is to be appreciated that that the probation of good conduct in the present circumstances would have to be confined with reference to the business and not other wise and in as much as it is the contention of the appellant himself as he himself stopped business in Kerosene, question of extending any such probation would not arise, and, therefore; the minimum prescribed sentence as awarded would in this case have to be maintained.”

(\*1991(3) Bom. C. R, 472-SB) - (Considered in *Chandrakant Pinayamal Motwani -Vs- State of Maharashtra, 2000(Supp.) Bom,C.R, 105-SB = 2000(2) Mah L J 664*)

In ease of *“Chandrakant Pinayamal M.otwani -Vs- State of Maharashtra*, while rejecting the prayer for giving benefit of Probation of Offenders Act to the accused, it is observed -

- (i) In the instant case, as observed earlier, the appellant was dealing in gas cylinders unauthorisedly and had very conveniently disowned the possession as well as the

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ownership of the gas cylinders. Neither his age nor his conduct would justify his release on probation in the context of the above referred decisions of the Supreme Court. Nothing was brought on record either in the trial court or in this Court to justify the application of the provisions of the Probation of Offenders Act. Since he was dealing in the gas cylinders absolutely unauthorisedly, there is no question of releasing him on probation and observe his conduct during the probationary period which is the object and intention underlying those provisions. There is also no question of supervising his conduct as contemplated by sub-sections (3), (4) and (5) of section 4 of the Probation of Offenders Act. It is such people who create further shortage of the essential commodities which deprives many registered consumers of their right to get gas cylinders in time. The registered consumers, suffer because of the unauthorised dealings in gas cylinders by persons like the appellant, [Para 24]

- (ii) In my view the application of the provisions of the, Probation of Offenders Act to the offences punishable with minimum sentence, though not expressly prohibited, would defeat the very object, purpose and spirit underlying the prescription of minimum sentence. There is, therefore, no question of either reducing the sentence below minimum prescribed by law or to release the appellant on probation as pleaded on behalf of the appellant [para 251 ]

*(\*2000(supp) Bom. CR, 105-SB = 2000 (2) Mah L J 664) - (Followed in State of Maharashtra -Vs- Prakashchand Bansilal Kankaria, 2004(1) Bom C R.(Cri) 244-SB - 2004 (1) Mah L J 806)*

In case of Precious oil Corporation -Vs- State of Assam, 2009 DGLSS(Soft) 100=AIR 2009 SC 1566, the Supreme Court denied the benefit of Probation of Offenders Act to the appellant accused. In this case, a plea relating to probation of Offenders Act, 1958 was rejected by the High Court holding that the offence alleged was a white collar offence.

In case of *Budhdeo Sahu -Vs- State of Jharkhand, 2009 DGLS (Soft) 2083 = 2009 (9) Scale 6 = (2009) 13 SCC 251 = AIR 2010 SC 3795*, the Supreme Court has reduced sentence imposed on accused for violation of the provisions of Bihar Kerosene Dealer's Licensing order, 1965 It is observed in para 6-

“Considering the fact that the Act provides minimum punishment of three months and the appellant has already served for more than 5 months out of the six months sentence awarded to him and has deposited the fine and a period of 17 years has elapsed in the facts and circumstances of this case the Sentence of the appellant is reduced to the period already undergone by him. Since the appellant is on bail, his bonds are discharged.

**<sup>1</sup>[7 A. Power of Central Government to recover Certain amounts as Arrears of land revenue.**

- (1) Where any person, liable to
  - (a) pay any amount in pursuance of any order made under Section 3, or any
  - (b) deposit any amount to the credit of any Account or Fund, Constituted by or in pursuance of any order made under that section, makes any default in paying or depositing the whole or any part of such amount, the amount in respect of which such default has been made shall [whether such order was made before or after the commencement of the Essential Commodities (Amendment) Act, 1984, and whether the liability of such person to pay or deposit such amount arose before or after such commencement] be recoverable by Government together with simple interest due thereon computed at the rate of <sup>2</sup>[fifteen per cent.] per annum from the date of such default to the date of recovery of such amount, as an arrear of land revenue [or as a public demand].
- (2) The amount recovered under sub-section (1) shall be dealt with in accordance with the order under which the liability to pay or deposit such amount arose.
- (3) Notwithstanding anything contained in any other law for the time being in force or any contract to the contrary, no court, tribunal or other authority shall grant any injunction or make any order prohibiting or restraining any Government from recovering any amount as an arrear of land revenue <sup>3</sup>[or as a public demand] in pursuance of the provisions of sub-section (1).
- (4) If any order, in pursuance of which any amount has been recovered by Government as an arrear of land revenue <sup>3</sup>[or as a public demand] under sub-section (1) is declared by a competent court, after giving to the Government a reasonable opportunity of being heard, to be invalid, the Government shall refund the amount so recovered by it to the person from whom it was recovered, together

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with simple interest due thereon, computed at the rate of <sup>2</sup>[fifteen per cent.] per annum, from the date of recovery of such amount to the date on which such refund is made.

**Explanation** - For the purposes of this section, “Government” means the Government by which the concerned order under section 3 was made or where such Order was made by an officer or authority subordinate to any Government that Government.]

- 1. Inserted by Act 34 of 1984, Sec..2w.e.r.1.7.1984**
- 2. Substituted for “six per cent.” by Act 42 of 1986,Sec.3.**
- 3. Inserted,ibid,Sec.3.**

### **Short Notes**

The provisions of section 7-A are considered by the Division Bench of the High Court in case of *N. R. Jet Enterprises Ltd. -Vs- National Pharmaceutical, 2008 (4) Bom C.R. 56-DB = 2008(6) Mah L J 206*. The question before the Court was: “whether by the order impugned, the petitioners in these petitions could have been jointly held liable for payment of amount of Rs. 12,97,41,819/- as interest under section 7-A of the E C Act, 1955?

It was claimed by the respondents that Johnson & Johnson Ltd. and N. R. Jet in collusion have violated Drugs (Price Control) Order 1995 by selling the drug at higher price. It is observed by the Court, after considering the facts of the case, that the order fixing the maximum price was binding on Johnson & Johnson Ltd as also on its unit viz. N.R. Jet, therefore, both were under liability to sell the drugs only at the price fixed in the order. Admittedly, they have overcharged and therefore, they become liable to pay interest on overcharged amount from the date on which they have overcharged the amount. While dismissing the petition, it is observed-

“The purpose of the order fixing maximum price of the drug is to make the drug available to the consumer at a fair price. The order, therefore, obviously was in public interest. Therefore, the whole scheme was created by Johnson & Johnson Ltd, and N. R. Jet in collusion with each other to defeat the order made in public interest and to defeat the public interest in our opinion. therefore, their conduct dis-entitles them to any relief which is, in the discretion of this Court.”

**8. Attempts and abetment.**

Any person who attempts to contravene, or abets a contravention of, any order made under section 3, shall be deemed to have contravened that order.

**Short Notes**

The provisions of sections 3, 7 and 8 are considered by the Supreme Court in case of *\*Malkiat Singh -Vs- State of Punjab*. It is observed that section 8, of the E C Act states that “ any persons who attempts to contravene, or abets a contravention of, any order made under Section 3 shall be deemed to have contravened that order” and there is no provision in the Act which makes a preparation to commit an offence punishable. The Supreme Court has set aside the conviction of accused under section 7 of the Act. It is further observed-

“In order that a person may be convicted of an attempt to commit a crime he must be shown first to have had an intention to commit the offence, and secondly to have done an act which constitutes the *actus reus* of a criminal attempt. The sufficiency of the *actus reus* is a question of law which had led to difficulty because of the necessity of distinguishing between acts which are merely preparatory to the commission of a crime, and those which are sufficiently proximate to it to amount to an attempt to commit it. “

(\*1968 DGLS(Soft.) 349 = (1969) 1 S C C 157 = AIR 1970 SC 713) - (**Considered in Nasu Sheikh -Vs- State of Bihar**, 1972 DGLS(Soft) 183 = (1972) 3 S C C 428=AIR 1972 SC 1610)

**9. False statements.**

If any person-

- (i) when required by any order made under section 3 to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true, or
- (ii) makes any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any such order to maintain or furnish, he shall be punishable with imprisonment for a term which may extend to +[five years], or with fine, or with both.

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+ Substituted for “three years” by Act 36 of 1967, Sec. 8.

### 10. Offences by Companies.

- (1) If the person contravening an order made under section 3 is a company, every person who, at the time the contravention was committed, was in charge of and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.
- (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer or the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Explanation.-** For the purposes of this section,— (a) “company” means any body corporate, and includes a firm or other association of individuals; and (b) “director” in relation to a firm means a partner in the firm.

### Short Notes

The applicability of section 10 of the E C Act is considered by the Supreme Court in case of *\*State of Madras -Vs- C. V Parekh*. In this case, the appeal by special leave was directed against two respondents, C. V. Parekh and A. C . Parekh, who were acquitted by the High Court of Madras of the charge under Section 120-B of the Indian Penal Code read with Sections 7 and 8 of the Essential Commodities Act, 1955 and Clause (5) of the Iron and Steel Control Order after applying Section 10 of the Essential Commodities Act. It was urged on behalf of the appellant that the two respondents were in charge of, and were responsible to, the company for the conduct of the business of the company and, consequently, they must be held responsible for the sale and for thus contravening the provisions of clause 5 of the Iron and Steel

(Control) Order. While rejecting the above contention and maintaining the judgment of the High Court, it is observed by the Supreme Court-

“This argument cannot be accepted, because it ignores the first condition for the applicability of S. 10 to the effect that the person contravening the order must be a company itself. In the present case there is no finding either by the Magistrate or by the High Court that the sale in contravention of clause 5 of the Iron & Steel (Control) Order was made by the Company. In fact, the Company was not charged with the offence at all. The liability of the persons in charge of the Company only arises when the contravention is by the Company itself. Since, in this case, there is no evidence and no finding that the Company contravened Cl. 5 of the Iron Steel (Control) Order, the two respondents could not be held responsible. The actual contravention was by *Kamdar and Vallabhadas Thacker* and any contravention by them would not fasten responsibility on the respondents.”

(\*1970 DGLS(Soft) 454 = AIR 1971 SC 447 = (1970) 3 S C C 491)- (**Ratio explained in** *Sheoratan Agarwal -Vs- State of Madhya Pradesh*, 1984 DGLS(Soft)244 = (1984) 4 SCC 352= 1984 (2) Scale 362 = AIR 1984 SC 1824 and *Aneeta Hada -Vs- Godfather Travels & Tours Pvt. Ltd.*, 2008 DGLS(Soft) 605 = 2008 (8) Scale 25)- (**Followed in** *Ashok Kisan Thorat -Vs- Jalandhar Baburao Apradh*, 1991(2) Bom.C. R. 576-SB **and** *State of Maharashtra -Vs- Anilkumar Jinabhai Patel*, 2010(2) Bom C R (Cri) 140-SB)

The provisions of section 10 are also interpreted in *\*Sheoratan Agarwal-Vs- State of Madhya Pradesh*. After considering the language of section 10 and above judgment, it is observed -

The section appears to our mind to be plain enough. If the contravention of the order made under section 3 is by a Company, the persons who may be held guilty and punished are, (I) the Company itself, (2) every person who, at the time the contravention was committed, was in charge of, and was responsible to, the Company for the conduct of the business of the Company whom for short we shall describe as the person-in-charge of the Company, and (3) any director, manager, secretary or other officer of the Company' with whose consent or connivance or because of neglect attributable to whom the offence has been committed, whom for short we shall describe as an officer or the Company.

(ii) Any one or more or all of them may be prosecuted and punished. The Company alone may be prosecuted. The person-in-charge only may be prosecuted. The conniving officer may individually be prosecuted. One, some or all may be prosecuted. There



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is no statutory compulsion that the person-in-charge or an officer of the Company may not be prosecuted unless he be ranged alongside the Company itself.

(iii) Section 10 indicates the persons who may be prosecuted where the contravention is made by the Company. It does not lay down any condition that the person-in-charge or an officer of the Company may not be separately prosecuted if the Company itself is not prosecuted. Each or any of them may be separately prosecuted or along with the Company. Section 10 lists the person who may be held guilty and punished when it is a Company that contravenes an order made under section 3 of the Essential Commodities Act. Naturally, before the person-in-charge or an officer of the Company is held guilty in that capacity it must be established that there has been a contravention of the Order by the Company.

(\*1984 DGLS(Soft) 244 = (1984) 4 SCC 352 = 1984 (2) Scale 362 = AIR 1984 SC 1824) - (**Followed in State of Punjab -Vs- Kasturi Lal, 2004 DGLS(Soft.) 436 = 2004 (6) JT 137 = (2004) 12 S C C 195 = 2004 (6) Scale 303 = 2004 (5) Supreme 742 = AIR 2004 SC 4087**)- (**Ratio explained in Aneeta Hada -Vs- Godfather Travels & Tours Pvt. Ltd., 2008 DGLS(Soft) 605 = 2008 (8) Scale 25**)-(**Referred in State (Government of NCT of Delhi) -Vs- D A M Prabhu, (2009) 3 S C C 264 = 2009 DGLS(Soft) 142 = 2009 (2) Scale 492 = 2009 (1) Supreme 796**)

In case of *Sham Sunder -Vs- State of Haryana*, 1989 DGLS(Soft.) 402 = 1989 (2) Scale 446 = 1989 (3) JT 523 = (1989) 4 C 630 = AIR 1989 SC 1982, the partners-appellants in partnership firm were convicted by the Presiding Officer of the Special Court, Karnal for contravention of the provisions of the Haryana Rice Procurement (Levy) Order, 1979, read with section 7 of the E C Act. They were sentenced to six months rigorous imprisonment and a fine of Rs, 2,000/- each. The High Court of Punjab & Haryana has confirmed that conviction and sentence, All the partners of the firm were charge-sheeted and put to trial for the said offence. After considering the legal provisions and evidence on record, the Supreme Court observed that accused No.3 cannot escape the liability and the material on record indicates that he was conducting the business of the firm and in fact, he has signed the statement Ex,P.8 on behalf of the firm. The Supreme Court maintained conviction of accused No. 3 and, set aside the conviction and sentence of appellants Nos. 1, 2 and 4 and acquit them from all the charges. It is necessary to note the important observations of the Court while limiting their liability of partners in such cases and they are reproduced below -

- (i) Section 10 provides that the person shall be deemed to be guilty, of contravention of an order made under section 3 if he was in charge of and was responsible to the firm for the conduct of the business of the firm.

What is of importance to note is, that the person who was entrusted with the business of the firm and was responsible to the firm for the conduct of the business, could alone be prosecuted for the offence complained of. **[Para 6]**

- (ii) The penal provision must be strictly construed in the first place. Secondly, there is no vicarious liability in criminal law unless the statute takes that also within its fold. Section 10 does not provide for such liability. It does not make all the partners liable for the offence whether they do business or not. **[Para 8]**

- (iii) It would be a travesty of justice to prosecute all partners and ask them to prove under the proviso to sub-section (1) that the offence was committed without their knowledge. It is significant to note that the obligation for the accused to prove under the proviso that the offence took place without his knowledge or that he exercised all due diligence to prevent such offence arises only when the prosecution establishes that the requisite condition mentioned in sub-section (1) is established. The requisite condition is that the partner was responsible for carrying on the business and was during the relevant time in charge of the business. In the absence of any such proof, no partner could be convicted. **[Para. 9]**

In case of *\*State of Punjab -Vs- Kasturi Lal*, the Supreme Court has considered the provisions of section 10 of the E C Act, 1955. In this case, the order passed by learned Special Judge, Sangrur framing charges against the present respondents and one Prem Mohan Tiwari for alleged violation of the provisions contained in Section 7(1)(a)(ii) of the E C Act, 1977 was challenged in a petition under section 482 of Code of Criminal procedure before the High Court. While the accused Prem Mohan Tiwari was the Production Manager of the company, others were Directors of the company. The Special Judge framed charges against all persons. The said order was assailed before the High Court in Criminal Revision.

The High Court held that it was only Prem Mohan Tiwari who was to face trial and charge so far as the others are concerned to be quashed. It was held that there was no definite material to show that they were in charge of running of business and/or responsible therefore. The Supreme Court set aside the judgment of the High Court and

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held that the High Court erred in interfering with the order of Special Judge. After considering the provisions of section 10 of E C Act, it is observed -

“Section 10 indicates the persons who may be prosecuted where the contravention is made by the company. It does not lay down any condition that the person-in-charge or an officer of the company may not be separately prosecuted if the company itself is not prosecuted. Each or any of them may be separately prosecuted or along with the company. Section 10 lists the person who may be held guilty and punished when it is a company that contravenes an order made under Section 3 of the Essential Commodities Act. Naturally, before the person-in-charge or an officer, of the company is held guilty in that capacity it must be established that there has been a contravention of the order by the company.”

(\*2004 DGLS(Soft) 436 = 2004 (6) JT 137 = (2004) 12 S C C 195 = 2004 (6) Scale 303 = 2004 (5) Supreme 742 = AIR 2004 SC 4087)- (**Followed in State (Government of N C T of Delhi) -Vs- D A M Prabhu, (2009) 3 S C C 264 264 = 2009 DGLS(Soft.) 142 = 2009 (2) Scale 492 = 2009 (1) Supreme 796**)

In case of *State (Government of N C T of Delhi) -Vs- D A M* 2009 DGLS(Soft) 142 = (2009) 3 S C C 264 = 2009 DGLS(Soft) 142 Scale 492 = 2009 (1) Supreme 796, the Supreme Court has explained the scope of section and relevant observations in para 8 are -

(1) If the contravention of the order made under Section 3 is by a company, the persons who may be held guilty and punished are (1) the company itself, (2) every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company whom, for short, we shall describe as the person-in-charge of the company, and (3) any director, manager, secretary brother officer of the company with whose consent or connivance or because of neglect attributable to whom the offence has been committed, whom, for I short, we shall describe as an officer of the company. Anyone or more or all of them may be prosecuted and punished. The company alone may be prosecuted The person-in-charge only may be prosecuted. The conniving officer may individually be prosecuted. One, some or all may be prosecuted. There is no statutory compulsion that the person-in-charge an officer of the company may not be prosecuted unless he be ranged alongside the company itself.

- (ii) Section 10 indicates the persons who may be prosecuted where the contravention is made by the company. It does not lay down any condition that the person-in-charge or an officer of the company may not be separately prosecuted if the company itself is not prosecuted. Each or any of them may be separately prosecuted or along with the company. Section 10 lists the person who may be held guilty and punished when it is a company that contravenes an order made under Section 3 of the Essential Commodities Act. Naturally, before the person in-charge or an officer of the company is held guilty in that capacity it must be established that there has been a contravention of the order by the company.

The provisions of section 10 are also considered in case of *Baban Shankar Suryawanshi -Vs- State of Maharashtra, 2002(Cri. Supp.) Bom.C.R. 769-SB*. In this case, conviction and sentence of the accused appellants under Clause 18(2)(e), (f) & (j) of the Maharashtra Scheduled Commodities (Regulation of Distribution) Regulation, 1975 was maintained by the High Court. Conviction of the accused appellants under section 18(2)(g) was also maintained.

It was contended by the accused No.2 that he was merely a Chairman and not concerned with the day-to-day affairs in running the shop and therefore as contemplated by section 10 of the E. C. Act he should not be held guilty. While rejecting the contention, it is observed -

- (i) A perusal of section 10 of E.C. Act provides that if the person contravening an order made under section 3 is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company shall be deemed to be guilty of the contravention; **[Para 9]**
- (ii) It is pertinent to note that section 10 has not used the words responsible for the day to day affairs as is done in other statutes. What the section lays down is that the person in charge of the company for the conduct of the business. How it cannot be said that the Chairman of a society is not in charge of the conduct of the business of the society. Even otherwise the Regulation 18(2) lays down that every fair price shop shall be held responsible for all the acts of commission and omission of his partners, agents, servants and other persons who are allowed to work in the shop. **[Para 10]**

In case of *State of Maharashtra -Vs- Anilkumar Jinabhai Patel, 2010(2) Bom C R (Cri.) 140-SB*, the offence was registered against the respondents for the prosecution

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under sections 3 and 7 of the Essential Commodities Act. It was not disputed that the respondents were not holding the requisite license/certificate for sale of the manufactured fertilizers by them in their factory. As per the contentions of the respondents, as they are holding the license under Clause 12 of the Fertilizer (Control) Order of 1985, no separate license is required for the sale of manufactured fertilizers by them. The question for consideration was that - if the offence is committed by the company, and the company is not arrayed as an accused, then whether the Directors of the Company who are respondents in this writ petition, can be held responsible for the offence allegedly committed by the company. While dismissing the petition and after considering the provisions of section 10, it is observed -

“In the case in hand also the facts clearly disclose that even if there is a violation of Clause (7) of The Fertilizer (Control) Order, but it was the company who require to hold the license and not respondents. In the premise, in absence of Fertilizer Industries is arrayed as an accused then there is substance in the submissions of learned Counsel appearing for the respondents that in absence of the company arrayed as an accused, there shall not be any accusation against these respondents.”

**<sup>1</sup>[10A Offences to be cognizable <sup>3</sup>[—]].**

Notwithstanding anything contained In <sup>2</sup>[the Code of Criminal Procedure, 1973 (2 of 1974)], every offence punishable under this Act shall be cognizable <sup>3</sup>[—].

- 1. Inserted by Act 36 of 1967, Sec. 9.**
- 2. Substituted by Act 30 of 1974, Sec. 7, w. e. f.22.6.1974.**
- 3. The words and bailable omitted by Sec. 7, ibid.**

### **Short Notes**

The provisions of section 10-A are considered by the High Court in case of *Chandrakant Pinayamal Motwani -Vs- State of Maharashtra, 2000(Supp) Bom,CR 105-SB = 2000 (2) Mah LJ 664*. It is observed in para 8 that by virtue of the said section every offence punishable under the said Act is declared to be cognizable. It is further observed -

“The appellant in this case is convicted for the offence under section 3 read with section 7 of the Essential Commodities Act for contravening Order 6(3) and (4) of

[the Liquified Petroleum Gas (Regulation of Supply and Distribution)] Order of 1988. The said contravention or offence being cognizable, the Police Officer is empowered to take cognizance of the offence.”

In case of *Pruthviraj Chandrakant Shinde -Vs- State of Maharashtra, 1999(Supp.) Bom.C.R. J65-DB = 2000 (1) Mah L J 810*, the petitioner contended that the offences under the E C Act, 1955, are bailable offences because the amendment which was carried out in the Act, by Act 18 of 1981 was for a fix period; that period has expired and, therefore, now the specially inserted word ‘non-bailable’ in section 10-A is not there in the Act and, therefore, offence becomes bailable offence. The contention of the petitioners the offences has to be treated as bailable, was rejected with the observations-

“It is admitted position that in all these three criminal writ petitions, the offences alleged against the present petitioners do not fall under Clause ‘(h)’ or Clause (i) of sub-section (2) of section 3 of the Act and, therefore, the provisions of section 7(1)(a)(i) are not applicable where the maximum sentence of imprisonment provided extends to one year only. The offences alleged fall under section 7(1)(a)(ii) and the sentence of imprisonment provided under tills clause extend to 7 years and, in such circumstances, considering the provisions under the Code of Criminal Procedure, 1973, especially the First Schedule, Appendix ‘A’, read with section 2(a) of the Code of Criminal Procedure, 1973, the offences alleged against the petitioners are non-bailable.”

**+ [10B. Power of court to publish name, place of business, etc., of companies convicted under the Act.**

- (1) Where any company is convicted under this Act, it shall competent for the court convicting the company, to cause the name and place of business of the company, nature of the contravention, the fact that the company has been so convicted and such other particulars as the court, may consider to be appropriate in the circumstances of the case, to be published at the expense of the company in such newspapers or in such other manner as the court may direct.
- (2) No publication under sub-section (1) shall be made until the period for preferring an appeal against the orders of the court has expired without any appeal having been preferred, or such an appeal, having been preferred, has been disposed of.
- (3) The expenses of any publication under sub-section (1) shall be recoverable from the company as if it were a fine imposed by the court.

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**Explanation.-** For the purposes of this section, “company” has the meaning assigned to it in clause (a) of the Explanation to section 10. ]

+ **Inserted by Act 30 of 1974, Sec. 8, w. e. f. 22.6.1974.**

### **+ [10C. Presumption of culpable mental state.**

(1) In any prosecution for any offence under this Act which requires a culpable mental state on the part of the accused, the court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

**Explanation.-** In this section, “culpable mental state” includes intention, motive, knowledge of a fact and the belief in, or reason to believe, a fact.

(2) For the purposes of this section, a fact is said to be proved only when the court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.]

+ **Inserted by Act 30 of 1974, Sec. 8, w. e. f. 22.6.1974.**

### **Short Notes**

The provisions of section 10-C are interpreted by the High Court in case of *Mohomad Abbas Fazalkhan Turke -Vs- State of Maharashtra*, 1977 U.C.R, (Bom) 32-SB. In this case, the criminal revision application was directed against an order passed by the Sessions Judge, Kolaba at Alibag, upholding the order passed by the Collector of Kolaba at Alibag confiscating a motor truck belonging to the petitioner under the provisions of section 6-A of the E C Act, 1955.

The case of the petitioner was that he used to send his truck outside, Bombay for transporting coconuts, dry fish and other commodities from Alibag and Panvel to Bombay. The driver was not supposed to carry rice in the truck if its transport was prohibited by law. If the driver had transported rice when its transport was prohibited he as the owner was not liable and the truck was not liable to be confiscated.

The learned Sessions Judge held that in view of the provisions of section 10-C of the Act, the Court had to presume the existence of a culpable mental state on the part

of the owner. In other words, a presumption had to be drawn that” in the instant case, the petitioner as the owner of the truck was conniving at the activities of his driver in transporting rice against which there was prohibition in law. The burden was on the petitioner to prove otherwise and this burden had not been discharged. While interpreting section 10-C and setting aside the order of confiscation of truck, it is observed -

“Section 10-C is in the nature of an exception, inasmuch as the burden which is normally there on the prosecution to bring home the offence to the accused has been shifted on to the accused to prove that he had no such mental state with respect to the act charged as is required to be proved for establishing the offence. It has, therefore, to be strictly constructed. In other words, it cannot be extended to anything beyond what it intends to cover. As noted, the opening words are “in any prosecution for any offence under this Act”. Now, it is only under section 7 of the Act that there can be a prosecution. The present proceedings were taken under section 6-A and those proceedings cannot amount to a “prosecution for any offence”. Proceedings under section 6-A are independent of a prosecution that may be launched under section 7.”

### **11. Cognizance of offences.**

No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in section 21 of the Indian Penal Code (45 of 1860) <sup>+</sup>[or any person aggrieved or any recognised consumer association, whether such person is a member of that association or not.]

<sup>+</sup>**[Explanation.-** For the purposes of this section and section association. registered under the Companies Act, 1956 or any other law for the time being in force.]

<sup>+</sup> **Inserted by Act 73 of 1986, Sec. 2, w.e.f.1.5.1987**

### **Short Notes**

The scope of section 11 of the E C Act is explained by the Supreme Court in case of *Satya Narain Musadi -Vs- State of Bihar*, 1979 DGLS(Soft) 393 = (1980) 3 S C C 152 = AIR 1980 SC 506. The question before the Court was: Whether in view of the provision contained in Section 11 of the E C Act, 1955, a Court taking cognizance of



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any offence punishable thereunder, upon a police report is precluded from looking into the complaint or first information report filed before the Court or that it must keep itself exclusively confined to the report submitted by the police?

After plain reading of section 11 it is observed by the Court in para 4 that the court is precluded from taking cognizance of any offence punishable under the Act except (i) on a report in writing of the facts constituting such offence; (ii) such report must be made by a person who is a public servant as defined in section 21 of the Indian Penal Code. It is further clarified in para 7 that by a subsequent amendment and insertion of section 10-A in the Act, the offences under the Act are declared as cognizable and, therefore, the police officer would be entitled to investigate into such offences without the order of a Magistrate and if the police officer proceeds to investigate into offence it is obligatory upon him to submit a report under Section 173(2). Such a report would be a police report for the purposes of Section 190(1)(b) and if the Magistrate takes cognizance of an offence under the Act upon such a police report S. 11 would be complied with in its entirety.

It is to be noted here that section 11 is amended thereafter by Act 73 of 1986 whereby it is provided that Court shall take cognizance of any offence punishable under this Act even on a report in writing of the facts constitution such offence made by any person aggrieved or any recognised consumer association, whether such person is a member of that association or not.

The provisions of section 11 and the Code of Criminal Procedure Code are considered in case of *State -VS- Munafkha Lukmankha Musalaman*, 1968 BCI (0) 41-SB = AIR 1968 Bom 11 = 1968 Mah LJ 300. In this case, the trial Court convicted accused No.2 under section 24 of the Industries Development and Regulation Act as well as under section 7 (1) (a) (ii) read with section 3 of the Essential Commodities Act, 1955 and Accused No.1 was acquitted. The dispute was about the procedure to be followed at such trial. It is held that

“I, therefore, hold that the learned Magistrate was justified in following the procedure provided for in Section 251 A of the Criminal Procedure Code and the learned appellate Judge was in error in holding the trial was vitiated.” **[Para 13]**

### **+ [12. Special Provisions regarding fine.**

Notwithstanding anything contained In section 29 of the Code of Criminal Procedure, 1973 (Act 2 of 1974), it shall be lawful for any Metropolitan Magistrate, or any Judicial Magistrate of the first class specially empowered by the State Government in this behalf, to pass a sentence o. f fine exceeding five thousand rupees on any person convicted of contravening any order made under section 3.]

+ **Substituted by Act 30 of 1974, Sec. 9, w.e.f.22.6.1974.**

<sup>1</sup>[12A. Power to try summarily.

(1) If the Central Government is of the opinion that a situation has arisen where, in the interest of production, supply or distribution of <sup>2</sup>[any essential commodity not being an essential commodity referred to in clause (a) of sub-section (2)] or trade or commerce therein and other relevant considerations, it is necessary that the contravention of any order made under section 3 in relation to such essential commodity should be tried summarily, the Central Government may, by notification in the *Official Gazette*, specify such order to be special order for purpose of summary trial under this section, and every such notification shall be laid, as soon as it is issued, before both Houses of Parliament: <sup>3</sup>[Provided that

- (a) every such notification issued after the commencement of the Essential Commodities (Amendment) Act, 1971 (66 of 1971), shall, unless sooner rescinded, cease to operate at the expiration of two years after the publication of such notification in the *Official Gazette*;
- (b) every such notification in force immediately before such commencement shall, unless sooner rescinded, cease to operate at the expiration of two years after such commencement:

Provided further that nothing in the foregoing proviso shall affect any case relating to the contravention of a special order specified in such notification if proceedings by way of summary trial have commenced before that notification is rescinded or ceases to operate and the provisions of this section shall continue to apply to that case as if that notification had not been rescinded or had not ceased to operate.]

<sup>4</sup>[(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) all offences relating to (a) the contravention of an order made under section 3 with respect to -

<sup>10</sup>[(i) - - - - - ]

(ii) foodstuffs, including edible oilseeds and oils; or

(iii) drugs; and

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(b) Where any notification issued under sub-section (1) in relation to a special order is in force, the contravention of such special order,

shall be tried in a summary way by a Judicial Magistrate of the first class specially empowered in this behalf by the State Government or by a Metropolitan Magistrate and the provisions of section 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial: Provided that, in the case of any conviction in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for a term not exceeding one year:

Provided further that when at the commencement of, or in the course of, a summary trial under this section, it appears to the Magistrate that the nature of the case is such that a sentence of imprisonment for a term not exceeding one year may have to be passed or that it is, for any other reason, undesirable to try the case summarily, the magistrate shall, after hearing the parties, record an order to that effect and thereafter recall any witnesses who may have been examined and proceed to hear or re-hear the case in the manner provided by the said Code.]

(3) Notwithstanding anything to the contrary contained in the <sup>5</sup>[the Code of Criminal procedure, 1973 (2 of 1974)], there shall be no appeal by a convicted person in any case tried summarily under this section in which the Magistrate passes a sentence of imprisonment not exceeding one month, <sup>6</sup>[and of fine not exceeding two thousand rupees] whether or not any order of forfeiture of property or an order under <sup>7</sup>[section 452] of the said Code is made in addition to such sentence, but an appeal shall lie where any sentence <sup>8</sup>[—] in excess of the aforesaid limits is passed by the Magistrate.

<sup>9</sup>[(4) All cases relating to the contravention of an order referred to in clause (A) of sub-section (2), not being a special order, and pending before a magistrate immediately before the commencement of the Essential Commodities (Amendment) Act, 1974 (30 of 1974), and, where any notification is issued under sub-section (1) in relation to a special order, an cases relating to contravention of such special order and pending before a Magistrate immediately before the date of the issue of such notification, shall, if no witnesses have been examined before such commencement or the said date, as the case may be, be tried in a summary way under this section, and if any such case is pending before a Magistrate who is not competent to try the same in a summary way under this section, it shall be forwarded to a Magistrate so competent.]

1. **Inserted by Act 47 of 1964, Sec. 2.**
2. **Substituted for “any essential commodity” by Act 36 of 1974, Sec. 10, w.e.f.22, 6.1974.**
3. **Added by Act 66 of 1971, Sec. 5.**
4. **Sub-section (2) substituted by Act 30 of 1974, Sec. 10, w.e.f. 22.6.1974,**
5. **Substituted for “the Code of Criminal Procedure, 1898,” ibid.**
6. **Substituted, ibid.**
7. **Substituted for “section 517”, ibid.**
8. **Omitted, ibid.**
9. **Sub-section (4) substituted, ibid.**
10. **Sub-clause (i) omitted by Act 54 of 2006, Sec. 5, w, e. f. 12.2.2001.**

### Short Notes

In case of *Jagdish Prasad Gupta -Vs- State of Rajasthan, 1994 DGLS(Soft) 354= 1995 (Supp.3) S C C 386*, the appellant submitted that by holding a joint trial of the offences punishable under Section 406 Indian Penal Code and the offences punishable under the Essential Commodities Act, the appellant is being deprived of right of appeal to the sessions court and further revision to the High Court. It is held-

“That apart, having examined the provisions of the Essential Commodities Act, we are satisfied that the Special court constituted under Section 12-A of the Act is to be presided by a Single Judge who is qualified for appointment as a High court Judge or he has, for a period of not less than one year, been a Sessions Judge or an Additional Sessions Judge. In the instant case admittedly, the Special court is presided by an additional Sessions Judge and as provided under Section 193 of the Code of Criminal Procedure, the Court of Session cannot take cognizance of any offence directly except as expressly provided by the Code of Criminal Procedure or by any other law for the time being in force. The section further Jays down that no court of Session shall take cognizance of any offence as a court of Original Jurisdiction unless the case has been committed to it by a Magistrate under the Code, That being the legal position, the Additional Sessions Judge who is presiding over the Special court cannot get jurisdiction by a mere transfer of a case by the High Court.” **[Para.5]**

**\*[12B. Grant of injunction, etc., by civil courts.**

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No civil court shall grant an injunction or make any order for any other relief against the Central Government or any State Government or a public officer in respect of any act done or purporting to be done by such Government, or such officer in his official capacity, under this Act or any order made thereunder, until after notice of the application for such injunction or other relief has been given to such Government or officer.]

+ **Inserted by Act 30 of 1974, Sec. 11, w.e.f.22.6.1974.**

### **13. Presumption as to orders.**

Where an order purports to have been made and signed by an authority in exercise of any power conferred by or under this Act, a Court shall presume that such order was so made by that authority within the meaning of the Indian Evidence Act, 1872.

### **14. Burden of proof in certain cases.**

Where a person is prosecuted for contravening any order made under section 3 which prohibits him from doing any act or being in possession of a thing without lawful authority or without a permit, licence or other document, the burden of proving that he has such authority, permit, licence or other document shall be on him,

### **Short Notes**

In case of *Sopan Trimbak Wani –Vs-State of Maharashtra*, 1978 U C R (Bom.) 593-SB, the High Court has considered the provisions of section 14 and observed in para 14 that section 14 of the E C Act raises a statutory presumption which it is essential for the accused being prosecuted under the Act to rebut. It says that where a person is prosecuted for contravening any order made under section 3 which prohibits him from doing any act or being in possession of a thing without the lawful authority or without a permit, licence or other document, the burden of proving that he has such authority, permit, licence or other document shall be on him. While maintaining the conviction of accused No.2, it is observed-

“In the instant case accused No.2 being prosecuted for exporting bajra and maize to a place outside the State of Maharashtra in contravention of the order of 1966 made under the provisions of the Essential Commodities Act, the burden of proving that this export was lawful was upon accused No.2 and he has miserably failed to discharge that burden.”

**15. Protection of action taken under Act.**

- (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made under section 3.
- (2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made under section 3.

**+ [15A. Prosecution of public servants.**

Where any person who is a public servant is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his duty in pursuance of an order made under section 3, no court shall take cognizance of such offence except with the previous sanction—

- (a) of the Central Government, in the case of a person who is employed or, as the case may be, was at the time of commission of the alleged offence employed, in connection with the affairs of the Union;
- (b) of the State Government, in the case of a person who is employed or, as the case may be, was at the time of commission of the alleged offence employed, in connection with the affairs of the State.]

+ **Inserted by Act 92 of 1976, Sec. 8, w. e.f. 2.9.1976.**

**16. Repeals and savings.**

- (1) The following laws are hereby repealed:—
  - (a) the Essential Commodities Ordinance, 1955 (1 of 1955);
  - (b) any other law in force in any State immediately before the commencement of this Act in so far as such law controls or authorises the control of the production, supply and distribution of, and trade and commerce in, any essential commodity.
- (2) Notwithstanding such repeal, any order made or deemed to be made by any authority whatsoever, under any law repealed, hereby and in force immediately before the commencement of this Act, shall, in so far as such order may under this Act, be deemed to be made under this Act and continue in force, and accordingly any appointment made, licence or permit granted or direction issued under any such order and in force immediately before such commencement shall continue in force until and

## The Essential Commodities Act,1955

unless it is superseded by any appointment made, licence or permit granted or direction issued under this Act.

- (3) The provisions of sub-section (2) shall be without prejudice to the provisions contained in section 6 of the General Clauses Act, 1897 (10 of 1897), which shall also apply to the repeal of the Ordinance or other law referred to in sub-section (1) as if such Ordinance or other law had been an enactment.

### <sup>1</sup>[The schedule

(See Section 2-A)

#### Essential Commodities

1. Drugs.

**Explanation.** - For the purpose of this Schedule, “drug” has meaning assigned to it in clause (b) of section 3 of the Drugs and Cosmetics Act,1940 (23 of 1940);

2. fertilizer, whether inorganic, organic, or mixed;
3. foodstuffs, including edible oilseeds and oils;
4. hank yarn made wholly from cotton;
5. petroleum and petroleum products;
6. raw jute and jute textiles;
7. (i) seeds of food-crops and seeds of fruits and vegetables;  
(ii) seeds of cattle fodder; and  
(iii) jute seeds]  
<sup>2</sup>[(iv) cotton seed.]

1. Schedule inserted by Act 54 of 2006, Sec. 2, w. e. f. 12.2.2007.
2. Added by Notification No. S O 3267(E), dated 22.12.2009. It is specifically mentioned in this notification that this notification shall remain in force for a period of six months from the date of its publication in the Official Gazette. It is published on 22.12.2009 in G O I -Part II-Sec. 3(ii)-Extra dated 22.12.2009, while the said notification is also published in MGG-Part 4-C-Extra, dated 22.02.2010-S No.13. This period of six months is further extended by Notification No. S O 1480(E), dated 18.06.2010 to one year. Readers to read and verify all above notifications before use.

**THE MAHARASHTRA FOODGRAINS RATIONING  
(SECOND) ORDER, 1966.**

**Food And Civil, Supplies Department**

Bombay,

Dated; 23rd November 1966.

ECA. 2166-F - In exercise of the powers conferred by the sub-section (1) read with clauses (c),(d),(e),(f),(h),(i),(ii),U) of sub-section (2) and sub-section (3B), of section 3 of the Essential Commodities Act, 1955 (10 of 1955), and of all other powers enabling the Government of Maharashtra in this behalf, read with the notification of the Government of India, in the Ministry of food, Agriculture, Commodity Development Co-operation (Department of Food) No. G.S.R. 906, dated the 9th June, 1966 and with the prior concurrence of the Central Government, the Government of Maharashtra hereby makes the following Order, namely:-

**(1) Short title, extent, l [commencement and Termination].**

This Order may be called the Maharashtra Foodgrains Rationing (Second) Order, 1966.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall in the first instance come into force in the areas specified in Schedule A on the date of its publication in the *Official Gazette*; and the State Government may by notification in the *Official Gazette* direct that it shall come into force in any other area on such date as may be specified in that notification, and different dates may be specified for different areas.

2[(4) It shall cease to be in force in the Nagpur Rationing Area and the Sholapur Rationing Area specified in Schedule A with effect from the 1st day of May, 1969, except as provided in the Maharashtra Scheduled Foodgrains (Regulation of Distribution) Order, 1966, and as respects other things done or omitted to be done hereunder before the said date.]

3[(5) It shall cease to be in force in the Poona Rationing Area specified in Schedule A With effect from the 1st Day of July

1969, except as provided in the Maharashtra Scheduled Foodgrains (Regulation of Distribution) Order, 1966, and as < • respects other things done or omitted to be done hereunder before the said date].



## The Maharashtra Foodgrains Rationing (Second) Order, 1966

1. Substituted vide G.O. No. ECA-21691F. dated 28th. April 1969.
2. Inserted, *ibid*.
3. Inserted Notification No. ECA-2169/aIF. dated 26th J.une 1969.

### 2. Definitions.

In this Order, unless the context otherwise requires>

**[(ai) 'Authorized Agent'** means an individual, firm, company co- operative society or other association or body of persons, authorized under clause 3, to obtain rationed food grains on behalf of his constituent ration shops and establishments and to deliver the same to them and includes any person who conducts the business' or affairs of such authorized agent.

**Explanation** - The agency for the purposes of obtaining an authorization under clause 3 shall be created by the authorized ration shop or establishment by means of a letter of appointment, which shall be lodged with the Controller of Rationing concerned. Such letter of appointment shall be in such Form as may be prescribed by the regulations made under clause 10, Any revocation of such agency shall not take effect until written intimation thereof in such Form as may likewise be prescribed is sent to and received by the Controller of Rationing concerned].

**(a) "authorized establishment"** means a person in-charge of an establishment authorized under the provisions of clause 3 and includes a person in-charge of an establishment under the control of Government.

**Explanation** - On the commencement of this Order in any area a person in-charge of an establishment, who was "appointed or authorized or deemed to be appointed or authorized by or on behalf of Government as an authorized establishment or by any other designation, and whose appointment or authorization was in force immediately before such commencement, shall be deemed to be an authorized establishment in that area for the purposes of this Order, unless otherwise directed by Government or the Controller of Rationing concerned:

**(b) "Collector"** means the Collector of the District, and includes the District Supply Officer, an Assistant District Supply Officer, and such other officer or officers as may be authorized by the Collector in this behalf;.

- (c) **“Controller of Rationing”** in any area for which a Controller of Rationing has been appointed by Government means that Officer and elsewhere the Collector, and includes a Deputy or Assistant Controller of Rationing;
- 2[(ca) **“Dealer”** means a person engaged in the business of purchase, sale *or* storage for sale, of one or more food grains, and includes any person who desires to engage in such business and has applied to the authority concerned to be authorized as a ration shop.]
- (d) **“Establishment”** means catering establishments, institutions, residential establishments, manufacturing establishments, mills, industries, animal establishments and any other establishments or class of establishments which the State Government or the Controller of Rationing may declare to be the establishments for the purposes of this order;
- (e) **“Establishment consumption”** means all consumption of food supplied by an establishment for consumption on the premises of the establishment or elsewhere;
- (f) **“Household consumption”** means all consumption of food other than establishment consumption;
- (g) **“Prescribed manner”** means the manner prescribed by sub-section (5) of section 3 of the Essential Commodities Act, 1955;
- (h) **“Ration card”** means a foodgrains card, permit or other document issued or made available under the provisions of this Order, for obtaining supplies or rationed foodgrains, and any card, permit or other document, issued before the commencement of this Order in any area and on which rationed foodgrains were obtainable immediately before such commencement, shall be deemed to be a ration card made available for obtaining rationed foodgrains if that area under the provisions of this Order;
- (i) **“Ration Document”** means a ration card, or an authorization issued under clause 3 or any other document issued or made - available or deemed to be issued or made available under the provisions of this Order for purchasing, selling, distribution, movement or transport of rationed food grains;
- (j) **“Ration shop”** means a dealer in-charge of a shop authorized under the provisions of clause 3, and includes a person in-charge of a shop where rationed food grains are sold and is under the control of Government.

## **The Maharashtra Foodgrains Rationing (Second) Order, 1966**

**Explanation-** On the commencement of this Order in any area every dealer, who was appointed or authorized, or deemed to be appointed or authorized by or on behalf of Government as an authorized fair price shop or a ration shop or by any other designation, and whose appointment or authorization was in force immediately before such commencement, shall be deemed to be a ration shop in that area for the purposes of this Order, unless otherwise directed by Government or the Controller of Rationing concerned;

(k) **“Rationed food grains”** means all or any of the food grains and the products thereof specified in Schedule D; J?;

(l) **“Rationing area”** means any area in which this Order is in force;

(m) **“Schedule”** means a Schedule appended to this Order,

1. Inserted by Notification No. ECA-2168-F dated 17th June 1969.

2. Inserted by Notification No. ECA. 2176127-D-XXII! dated 29<sup>th</sup> December, U76.

### **3. Issue of authorization to [shops, establishments and agents] to obtain and supply rationed food grains.**

(1) With to view to controlling the distribution of rationed food grains, the State Government or the Controller of Rationing may issue an authorization to any person, being a dealer or having charge of an establishment <sup>2</sup>[or being an agent of the dealers or establishment] to obtain and supply rationed food grains in accordance with the provisions prescribed by or under this Order.

(2) Every ration shop and every authorized agent shall deposit with the State Government such sum not exceeding <sup>2</sup>[Rs.5,000] in the case of a ration shop and not exceeding <sup>2</sup>[Rs.1,00,000] in the case of an authorized agent, as may be specified by it in this behalf for the due performance of the conditions of the authorization, and the sum so deposited or any part thereof, may, without prejudice to any other penalty, after inquiry and for reasons to be recorded in writing, be forfeited by the State Government or the Controller of Rationing “for contravention of any such condition. it as a result of any departmental action the sum deposited or any part thereof is forfeited, I[the ration shop or the authorized agent, as the case may be shall] forthwith pay to Government such amount as may be required to make up the prescribed sum to be deposited as security.

**Note.** :- According to G.R. No. SA VIVY A-I 092/2467 CR-6526/ CS-28, dated 4th February 1994, and authorized agent now required to deposit with State Government Rs. 25,000 instead of Rs. 1,00,000.

(3) On the commencement of this Order in any area in the case of a dealer who is deemed to be a ration shop under the Explanation to sub-clause U) of clause 2, any sum which stands deposited by him as security immediately before 'such commencement shall be deemed to be deposited with the State Government as security for the purpose of this clause.

<sup>3</sup>[(4) -----]

1. **Substituted by Notification No. ECA-21681F. dated 17th June 1969.**
2. **Substituted by Notification No. SAVIVYA-I092124671CR-6526/65-XXVIII dated 07th June 1993.**
3. **Sub clause (4) deleted by Notification No. SAVIVY A-I091/CR-6178/CS-28 dated 15.06.1997.**

**CI- 3A - Ration Shops not to contravene order relating to foodstuffs.**

No dealer in-charge of a shop authorized under clause 3 shall contravene the provisions of this Order or any order relating to foodstuffs issued under the Essential Commodities Act, 1955, or any Order relating to foodstuff issued under the Defence of India Rules) 1971.]

+ **Clause 3A substituted vide G.O, No. ECA-2173134882/F, dated 12th June 1975.**

**<sup>1</sup>[3B. Order of prtority to be followed in issuing authorizations to ration shops.**

(I) While issuing authorization to ration shops under clause 3, the State Government or the Controller of Rationing, as the case may be shall, 2[-----] give due regard to the following order of priority, namely:-

- (1) Consumer Co-operative Society of Women.
- (2) Other Consumer Co-operative Societies.
- (3) Person from Scheduled Caste, Scheduled Tribe.
- (4) Freedom Fighter.
- (5) Ex-serviceman (includes the widow, son or unmarried daughter of servicemen killed in war action),
- (6) Physically handicapped persons,
- (7) Others.

## **The Maharashtra Foodgrains Rationing (Second) Order, 1966**

- (2) While following the priority from Sr. Nos. 3 to 8 under sub- clause (1), the woman applicant and thereafter the educated unemployed person shall be given priority in the respective group.

## **The Maharashtra Foodgrains Rationing (Second) Order 1966**

**Explanation** - While considering the physically handicapped person, the priority shall be given to the physically handicapped woman and thereafter physically handicapped educated unemployed person shall be considered. However, physically handicapped woman shall not be considered over ex-serviceman.

- (3) Government 'or the Controller of Rationing may issue an authorization to State level or divisional level institutes such as Mahila Arthik Vikas Mahamandal, Maharashtra State Co-operative Marketing Federation, Maharashtra State Consumers' Federation, Vidarbha Co-operative Marketing Society or any Government undertaking, or an Institute having a chain of shops such as Super Bazar, Apna Bazar, irrespective of priorities laid down under sub-clause (1), Similarly, when a ration shop is to be granted to the Employees' Co-operative Society established by the employees, the priorities mentioned above shall not be taken into consideration. Similarly, the highest priority shall be given to the Consumer Co-operative Society formed by the residents in the locality for their mutual benefit, if they possess the requisite provision for shop. Similarly when a shop is available for allotment on account of death of shopkeeper, the same shop may be granted to his widow or son, if they possess the requisite ability and administrative capacity for running a ration shop.

1. **Clause 3B and 3C substituted vide G.O, No. SA VIVYA-I09112424/CR-6178/CS~28, dated 28th January 1992.**
2. **Words "as far as possible" deleted vide G.O. No. SAVIVYA-I09112424/CR- 6178 CS-28, dated 15th May 1992.**

### **<sup>1</sup>[3C. Existing authorizations to ration shops to continue.**

<sup>2</sup>[-----] All authorizations to ration shops issued under and in force on the date of commencement of the Maharashtra Foodgrains Rationing (Second) (Amendment) Order, 1992 shall be valid unless the same are cancelled due to resignation by shopkeeper, Of any action taken for breach of conditions or license or non-observance of the directions given by the competent authority. On the date of commencement of the Maharashtra Foodgrains Rationing (Second) (Amendment) Order, 1992, or as soon as possible thereafter, new authorization shall be issued having regard to the order of priority prescribed under clause 3B).

1. Clause 3B and 3C substituted vide G.O. No. SAVIVYA-1091/2424/CR-6178/CS-28, dated 28th January 1992.
2. The words anything contained in this order regulation made are deleted by Notification No. SAVIVYA.1091/CR-6178/CS-28, dated 13.06.1997.

**+ [3D. Cancellation of Authorisation by State Government or the Controller of Rationing.**

Notwithstanding anything contained in this order and the regulations made thereunder, the State Government or the Controller of Rationing may, at any time, whether at the request of the ration shop or authorized establishment or authorized agent, or *suo motu*, after making such enquiry as may be deemed necessary and for the reasons to be recorded in writing add to, amend, vary, suspend, withdraw or cancel the authorization issued or deemed to be issued to him under clause 3.

Where any such authorization is suspended, withdrawn or cancelled the person to whom the authorization was issued or deemed to be issued shall forthwith deliver or cause to be delivered the same to the State Government or the Controller, as the case may be.]

+ inserted by Notification No. SAVIVYA. 1091/CR-6178/CS-28, dated 13.06.1997.

**4. Prohibition against supply of rationed foodgrains by unauthorized persons.**

No person, other than ration shop or authorized establishment, shall sell or agree to sell or supply or agree to supply any rationed foodgrains to any person, except under and in accordance with a special direction issued by the Controller of Rationing, or any officer authorized by him in this behalf;

\* [Provided that the supply of rationed foodgrains by any authorized agent to any of his constituent ration shops or establishments in accordance with the provisions of this order shall not constitute a contravention of this clause.]

\* Proviso to clause 4. added by Notification No. ECA-2168/F. dated 17th June 1969

**5. Supply of rationed food grains by ration shop or establishment.**

No ration shop or authorized establishment shall sell or agree to sell or supply or agree to supply rationed foodgrains to any person, except for household consumption or establishment consumption or for the purposes of an establishment other than establishment

## **The Maharashtra Foodgrains Rationing (Second) Order, 1966**

consumption, except at such prices as may be specified by the State Government or the Controller of Rationing in this behalf and except under and in accordance with the provisions prescribed by or under this Order:

### **6. Prohibition of obtaining rationed foodgrains otherwise than in accordance with the provisions of this Order.**

No person shall obtain or attempt to obtain any rationed foodgrains except for household consumption for establishment consumption or for the purposes of an establishment other than establishment consumption or in connection herewith, and except under and in accordance with the provisions prescribed by or under this order.

### **7. Power to issue ration cards.**

- (1) With a view to controlling the distribution of rationed foodgrains the State Government may issue or cause to be issued ration cards +[of one or more types or colours] to any person or class of persons, or to the public generally: Provided that, no such card shall be delivered to any person unless such person or any adult member of his family to whom the document is tendered on his behalf signs in token of receipt of such document as required as required by the Officer delivering such document.
- (2) The State Government or the Controller of Rationing or any officer authorized by the State Government or by the Controller may, at any time, whether at the request of the person to whom any ration card has been issued, or *suo motu*, after making such inquiry as may be deemed necessary, add to, amend, vary, suspend or cancel such ration card. Where any such card is suspended or cancelled, any person in possession of it shall forthwith deliver the same to Government, the Controller or the authorized Officer, as the case may be.

+ **Inserted by Notification No. SAVIVYA. 1097/CR-8060/CS-28, dated 24th March 1998.**

+**[7A. Power to issue fresh ration cards and to cancel the existing ration cards.**

Notwithstanding anything contained in clause 7 of this Order, the Government may, whenever deem necessary, by general or special order' issued in that behalf, suspend or cancel the existing ration cards issued under clause 7 and may issue

or caused to be issued fresh ration cards to any person or class of persons or to the public in general.]

+ **Inserted by Notification No. SAVIVYA. 10971CR-8060/CS-28, dated 24th March 1998.**

**8. Acquisition of rationed food grains only by means of ration document.**

Except as otherwise provided by or under this order, rationed food “grains shall be purchased, acquired Of obtained only by means o~a ration document available for lawful use and lawfully used, and only up to the quantity specified or as represented by the units specified on that ‘document.

**9. Exceptions.**

The foregoing provision shall not apply to distribution by any person of any rationed food grains lawfully obtained by him-

- (a) to members of the same household or to guest sharing meals in such household; or
- (b) to any other person either without payment of price of such rationed food grain or in exchange or any other rationed food grains;

Provided that, nothing in this clause shall apply to any ration shop \* [authorized agent or authorized establishments or any other establishment.]

**Substituted Notification No. ECA-21681F. dated 17th June 1969.**

**10. Power to make regulation.**

(1) The State Government may make regulations generally for all rationing areas if so specified specially for any rationing are providing for-

- (a) the conditions subject to which rationed foodgrains may be supplied or obtained for household consumption, for establishment consumption or for the purposes of an establishment other than establishment consumption or in connection herewith 1[or may be obtained by authorized agents for supply to ration shops and establishments] and,

**(b) in particular -**

- (i) the forms in which applications for obtaining different ration documents may be made, the different kinds of ration documents which may be issued for different purposes



## **The Maharashtra Foodgrains Rationing (Second) Order, 1966**

and the fees which may be charged for such forms and documents issued by the State Government;

- (ii) the manner in which a ration card may be used for supplying or obtaining rationed food grains including the manner in which and the conditions subject to which such card may be registered with any ration shop or authorized establishment;
- (iii) the period for which the ration card or part thereof shall be valid;
- (iv) the number of units allotted to any persons, class of persons or to the public generally,
- (v) the quantity of rationed food grains which a unit shall represent and the period during which such quantity shall be available;
- (vi) the form of authorization to be issued under clause 3 and the conditions subject to which the ration shop or authorized establishment <sup>2</sup>[or authorized agent] may obtain and supply rationed food grains; and
- <sup>3</sup>[(vii) any other matters connected with issue and suspension, withdrawal and cancellation of ration documents and with distribution of rationed food grains.]

(2) Any regulations made under this clause shall have effect as if they were incorporated in this Order.

1. **Inserted Notification No.2168/F, dated 12th June 1969.**
2. **Inserted Notification No. ECA-2168/F, dated 17th June 1969.**
3. **Paragraph (VII) Substituted Notification No. ECA-2175/27/D-XXIII, dated 24th December 1975.**

### **11. Availability of ration card.**

A ration card shall be available for lawful use only.

- (a) in respect of household consumption for the person or persons included therein who is or are living and is or are in the rationing area for which it is issued;
- (b) in respect of establishments-
  - (i) while the person in charge of the establishment is living and is in the rationing area; and

(ii) while the business of the establishment is carried on at the address specified on the ration card.

**Explanation 1-**The person in-charge of an establishment shall be deemed to be in the rationing area, if he is not absent therefrom for a period exceeding four weeks at a time.

**Explanation 2-** The business of the establishment shall be deemed to be carried on, if the establishment is not closed for a period exceeding seven days at a time.

**12. Ration document to remain property of Government.**

Every ration document issued under this Order shall be the property of the State Government, but the person to whom it is issued or surrendered or with whom it is retained under the provisions of this Order or the regulations made there under shall, subject to the other provisions of this Order, be entitled to its custody and be responsible for its safe custody.

**13. Replacement of defaced, lost or destroyed ration document.**

If any ration document be defaced, lost or destroyed, the Controller of Rationing or any officer authorized by him may, unless otherwise provided for in any regulations made in this behalf, after making such inquiry as he may think fit, issue a new ration document in place thereof on payment of such fee as may be fixed by the regulations. Every person to whom a new ration document has been issued, shall, if he subsequently finds the lost document, forthwith return the latter document to the Controller or the authorized Officer.

**14. Prohibition against transfer of ration document.**

No person shall transfer to any other person a ration document issued to himself and no person shall use Or dispose of or obtain such document, except under and in accordance with the provisions prescribed by or under this Order.

**15. Issue of new ration card if person in charge of establishment is changed.**

In the event of a change of person in-charge of an authorized establishment, the Controller of Rationing or any officer authorized under sub-clause (2) of clause 7 may, whether at the request of the new person for the time being in-charge of such establishment, or *suo motu*, after making such inquiry as he may think fit, cancel any ration card issued in the name of the person previously in-charge of such establishment and issue a new ration

## **The Maharashtra Foodgrains Rationing (Second) Order, 1966**

card in place thereof in the name of the new person aforesaid, on payment of such fee as may be fixed by the regulations.

### **16. Return of ration document by person in unauthorized possession hereof.**

- (1) Where any person is in possession of a ration document and such possession is not authorized by virtue of this Order, he shall forthwith deliver the same to the person in respect of whom it is issued or the officer in-charge of the nearest Rationing Office.
- (2) No Ration shop shall retain with him a ration card of any of his customers, and if for any reasons any such card remains with him, \*[he shall within 3 days (excluding holidays) return it to the holder thereof] or surrender it to the nearest Rationing Office and obtain a receipt therefor.

### **Substituted Notification No.ECA-2168/F, dated 10th July 1968.**

### **17. Cancellation of ration card.**

In any case where any ration card or any entry or coupon thereon is required to be cancelled under or for the purpose of this Order, it shall not be deemed to be cancelled, unless it shall have been effectively cancelled in ink (whether by means of a die or stamp or otherwise) or by means of indelible pencil, and shall upon such cancellation cease to be available for lawful use.

### **18. Prohibition against applying for duplicate ration card; etc.**

No person shall -

- (a) dishonestly apply for or receive more than one ration card, if he knows or has reason to believe that his name is already included in any other ration card issued to any household;
- (b) Obtain a ration card by furnishing false information;
- (c) without lawful authority, alter or destroy a ration card issued to him.

### **19. Notice of absence of person in the household for more than four weeks.**

Every holder of a ration card shall notify in writing to the Controller of Rationing or any officer authorized by him, the absence from the rationing area of any person or persons in his household included in such card for more than four weeks. The notice shall be given within seven days from the date of expiry of the period of four weeks aforesaid.

**20. Surrender of ration documents and furnishing of particulars by ration shops  
“[authorized establishments and authorized agents].**

Every ration shop, or authorized establishment or [or authorized agent], as the case may be, shall, when so required by an officer authorized by the Stated Government or by the Controller of Rationing in this behalf-

- (a) deliver to him all ration cards and other ration documents tendered to him or in his possession under or for the purposes of this Order; and
- (b) furnish such particulars relating to his dealings in any stocks of rationed food grains as may be required.

+ **Substituted Notification No. ECA-2168/F, dated 17th June 1969.**

\* **Inserted, *ibid.***

**21. Distribution or acquisition of rationed food grains otherwise than on ration documents.**

Notwithstanding any provisions of this Order, the distribution or acquisition of rationed foodgrains otherwise than on a ration document, whether or not for household consumption or establishment consumption or for the purposes of an establishment other than establishment consumption and subject to such conditions as may be specified, may be authorized by-

- (i) Government in respect of any rationed foodgrains; .
- (ii) the Controller of Rationing in respect of any rationed foodgrains declared by the local authorities or by him to be unfit for human consumption” or to meet any unforeseen or ad-hoc demand for supply of any foodgrains;
- (iii) “[the Director of Civil Supplies (Movement) in respect of any rationed foodgrains declared by the local health authorities or by him to be unfit for human consumption.]

+ **Added Notification No. ECA-21671F, Dated 25th August 1967.**

**22. Restrictions on hoarding.**

No person (including authorized ‘establishment) shall draw or cause to be drawn any rationed food grains on a ration card, if the total quantity of such food grains in his possession exceeds the quantity of such food grains for the time being obtainable during a period of four weeks on such card.

## **The Maharashtra Foodgrains Rationing (Second) Order, 1966**

### **23. Restriction on movement of rationed food grains from or into rationing areas.**

No person shall move or attempt to move or abet the movement of any rationed food grains from any rationing area to any area outside it or from such outside area into the rationing area, except under and in accordance with a transport permit granted by the Controller of Rationing, or any other Officer empowered by the State Government or the Controller in this behalf; Provided that, no such permit shall be necessary in respect of-

- (i) the transport of all or any of the rationed food grains as a part of personal luggage by a bonafide traveler, provided that the aggregate weight of all such food grains does not exceed 1 [ten kilograms] per traveler;
- (ii) the transport of rationed food grains on Government account;
- (iii) the transport of rationed food grains under and in accordance with Military Credit Notes;
- (iv) the transport of any rationed food grains received by way of gift under the Indo-US Agreement on Relief Supplies, 1951 and dispatched by the Regional Director (Food), Bombay, Madras or Calcutta, to a nominee of the American Voluntary Relief Agency concerned for relief purposes;

2[(V) the transport of rationed food grains, which are certified seeds certified as such by or under the authority of the National Seeds Corporation Limited.]

**1. Substituted by Notification No.ECA-2174/3591/F, dated 25th September 1974.**

**2. Added Notification No. ECA/2166/F, dated 29th December 1966.**

### **24. Declaration of stock.**

- (1) Every person, other than a ration shop or authorized establishment [or authorized agent] shall within a period of a fortnight from the date of commencement of this Order in any area other than the areas specified in Schedule A and thereafter in any area (whether specified in Schedule A or not) within a fortnight from such date or dates as may be notified by the State Government or the Controller of Rationing, furnish in writing to Controller or any other officer specified by him in this behalf a full and correct statement in the Form set forth in Schedule C, in respect of the stock of each of the rationed food grains held by him at any place in the rationing area, on the date immediately preceding the date of such commencement or notified

date, as the case may be, if his stocks of all such food grains on that date exceed one quintal.

- (2) Every person, other than a ration shop or authorized establishment,<sup>1</sup> [or authorized agents] who may at any 'other time come into possession of stocks or rationed food grains exceeding one quintal at any place in the rationing area (whether as a result of cultivation of his land or otherwise), shall not later than the day following the day on which he comes into possession of such stocks, furnish in writing to the Controller or any other Officer specified by him in this behalf a full and correct 'Statement in the Form set forth in Schedule C, in respect of the stock of each of the rationed food grains held by him on the day on which he comes into possession of such stocks.
- (3) Nothing contained in sub-clause (1) or (2) shall apply to any stocks held by any person for *bona fide* household or establishment consumption <sup>2</sup>[or for payment of wages in kind or for seed purposes] against cancellation of appropriate number of units or coupons on <sup>3</sup>[his household or establishment ration card.]

**1. Insirted Notification No.ECA-2168/F. dated 17th June 1969.**

**2. Inserted Notification No.ECA-2171/44717/F. dated 4th July 1975.**

**3. Substituted, *ibid.***

**25. Freezing of stock.**

Any person who has declared the stock of rationed foodgrains in accordance with clause 24, when so directed by a notice given in the prescribed manner by the Controller of Rationing or any officer authorized by him, shall not remove, sell or otherwise dispose of, such stock, or cause or allow such stock to be removed, sold or disposed of except under and in accordance with an authorization issued in this behalf by the Controller or the authorized officer; .

Provided that, on an application by such person, he may be permitted by the Controller, or the authorized officer to use such stock for consumption by members of this household +[or establishment or for payment of wages in kind of for seed purpose] against cancellation of appropriate number of units or coupons on +[his household or establishment ration card.]

+ **Inserted Notification No. ECA-2174/44717/F. dated 4th July 1975.**

## **The Maharashtra Foodgrains Rationing (Second) Order, 1966**

### **26. Power to require frozen stock to be sold to Government or named agent.**

- (1) When a notice has been given in respect of any stock or rationed foodgrains under the last preceding clause, the State Government, may, with the prior concurrence of the Central Government, by a further notice direct the person holding such stock to sell the whole or a specified part thereof, to Government or to such officer or agent of Government as may be named therein.
- (2) The State Government shall specify in the notice.
  - (a) the price determined having regard to the provisions of section 3 of the Essential Commodities Act, 1955, at which the stock shall be sold;
  - (b) the person to whom and the place at which the stock shall be delivered; and
  - (c) the date before which the delivery shall be made.

### **27. On failure to comply with notice, power to take possession And sell.**

If any person fails to comply with any notice given under sub-clause (1) of clause 26, the Controller of Rationing or any officer authorized by him may enter upon the land or premises and take possession of the stocks of rationed foodgrains in respect of which the notice was given and sell or cause to be sold such stocks to the person specified in the notice.

### **28. Power to enter premises, inspect, search or seize stocks of rationed food grains, ask questions, require production of documents, etc.**

- (1) Any officer or person authorized by the State Government or by the Controller of Rationing may at all reasonable times inspect any stocks of rationed foodgrains, ration documents or books, accounts or other documents pertaining to dealings in rationed foodgrains, and may for the purpose of such inspection.-
  - (a) enter any premises: Provided that in exercising the power of entry, due regard shall be paid by such officer or person to the social and religious customs of the occupants of premises;
  - (b) ask of any person all necessary questions.
  - (c) require the production of any document and take or cause to be taken extracts from or copies of such document; and

- (d) take or cause to be taken the weight or measures of the rationed food grains found in the premises.
- (2) Every person, when so required by such officer or person under sub-clause (1), shall allow access to the premises, answer all questions to the best of his knowledge and belief, produce the documents in his possession and allow extracts form or copies of any such documents or weight or measure of any rationed foodgrains found in the premises to be taken.
- (3) Such officer or person may, in the course of such inspection, search for and seize any article, in respect of which he has reason to believe that any provision made by or in pursuance of this Order has been or is being contravened.

**29. 'Power to exempt.**

The State Government may, if it is necessary in the public interest so to do, by order, exempt any person or class of persons from the operation of all or any of the provisions of this Order for such period and subject to such conditions as may be specified, and may at any time suspend or cancel such exemption.

**1[[30. Power to call for and examine records of proceedings and revise orders.**

2[(1) The State Government, or in the Bombay Rationing Area an officer not below the rank of Deputy Secretary to Government designated by the State Government in this behalf, and elsewhere the Commissioner of the Division, may on an application made to it or him by an aggrieved person within 30 days, from the date, of receipt by him of any order by which he is aggrieved, stay the enforcement of such order if considered necessary and may call for and examine record of any inquiry or proceedings of any officer exercising or failing to exercise the powers under this Order to add to, amend, vary, suspend or cancel any authorization issued or deemed to be issued under clause 3 or any ration card issued' deemed to be issued under clause 7 or to forfeit the deposit (or any part thereof) paid or deemed to be paid by a ration shop or authorized agent as security or to take any other action under the provisions prescribed by or under this Order, for the purpose of satisfying itself or himself as to the legality or propriety of the order passed by such officer, and as to the regularity of the proceedings of such officer and may pass such order thereon as it or he, as the case may be, thinks fit.



## **The Maharashtra Foodgrains Rationing (Second) Order, 1966**

Providing that, the State Government may, at any times during the pendency of any inquiry or proceedings or within one year from the date of any order passed by any officer under the provisions prescribed by or under this order suo motu, stay any pending inquiry or proceedings or the enforcement of such order if considered necessary and may, call for and examine the record of any such inquiry proceedings and proceedings and pass such order thereon as it thinks fit.

Provided further that, the state Government or the designated officer or the Commissioner, shall not pass any order under this clause which adversely affects any person, unless such person has been given a reasonable opportunity of being heard.

- 2) The Government may on an application made or suo motu at any time before the expiry of one year from the date of any order passed by it in revision under his clause may review such order if it is satisfied about the reason to do so on any of the following grounds, namely -
  - 1) Discovery of new and important matter of evidence which after exercise of due diligence, was not within the knowledge of the applicant or could not be produced by him at the time when the order was passed or order was made
  - 2) Some mistake or error apparent on the face of the record, or
  - 3) For any other sufficient reason

And upon such review if it shall appear to the State Government that such order should be modified, annulled or confirmed, it may pass such order, it deem fit

(3) Order passed in review shall on no account be re-reviewed

- 1 Substituted by Notification No. ECA -2168/F dated 17th June 1969**
- 2 CI 30 is renumbered as sub- clause (1) of that clause and sub- clause (2) and (3) are added by Notification No. ECA/100/CR 229/CS/-23 dated 4<sup>th</sup> july 2007**

**THE MAHARASHTRA FOODGRAINS RATIONING (SECOND)  
ORDER, 1966**

**Schedule A**

(See sub – clause (3) of clause 1 )

**Areas to which the order shall come into force in the first instance**

**I Bombay Rationing Area Comprising of**

**1 Greater Bombay**

**2 The following areas from Thana District**

**Thana Taluka**

1	Thane Muncipal area	24	Mira village panchayat area
2	Kalwa village panchayat area	25	Kashi,Ghodbunder village panchayat area
3	Majiwade panchayat area	26	Bhayandar village panchayat area
4	Balkum panchayat area	27	Rai – Murdhe Village panchayat area
5	Kolshet panchayat area	28	Dongari village panchayat area
6	Chaitalsar Manpada panchayat area	29	Uttan village panchayat area
7	Khari village panchayat area	30	Divra village panchayat area
8	Parsik Khari panchayat area	31	Airavali village Panchayat area
9	Diwa (station) Diwa village panchayat area	32	Gothivali village Panchayat area
10	Sabe Diwa village panchayat area	33	Ghansoli village Panchayat area
11	Datiwali village panchayat area	34	Koparkhairane village Panchayat area
12	Betavade, Datiwali Village panchayat area	35	Khairane village Panchayat area
13	Agasan, Datiwali Village panchayat area	36	Turbhe village Panchayat area
14	Mhatarwadi, Datiwali village panchayat area	37	Koparkhairane village Panchayat area
15	Mumbra Village panchayat area	38	Khairane village Panchayat area
16	Yewoor Village panchayat area	39	Turbhe village Panchayat area

## The Maharashtra Foodgrains Rationing (Second) Order, 1966

17	Kavesar village panchayat area	40	Vashi village panchayat area
18	Borivade, Wadawali Village panchayat area	41	Shiravane village panchayat area
19	Wadawali Village panchayat area	42	Sanpada village panchayat area
20	Ovale, Wadawali Village panchayat area	43	Nerul village panchayat area
21	Chene Village panchayat area	44	Karave village panchayat area
22	Ghodbundar village panchayat area	45	Belapur village panchayat area
23	Varsave, Chene Village panchayat area	46	Karave village panchayat area
		47	Belapur village panchayat area

### Kalyan Taluka

1	Dombivali Muncipal area	24	Khade, Golivali , kachore village panchayat area
2	Bopar village panchayat area	25	Galegaon , AT Barhe village panchayat area
3	Thakurli village panchayat area	26	Mohane village panchayat area
4	Ayre village panchayat area	27	Balyani, Manivali village panchayat area
5	Chole village panchayat area	28	Sapad village panchayat area
6	Gajabandhan –Patharli village panchayat area	29	Vedeghar , Sapad village panchayat area
7	Asle Golivali village panchayat area	30	Kalyan Municipal Area
8	Sagaon Sonarpada village panchayat area	31	Umbarde village panchayat area
9	Sanpada Katavi village panchayat area	32	Kolivali, Umbarde village panchayat area
10	Nandivali, Gajabandhan Patharli village panchayat area	33	Barave , Umbarde village panchayat area
11	Gharivali, Katai village panchayat area	34	Gandhare, Umbarde village panchayat area
12	Usarghat Katai village panchayat area	35	Vadavali, AT Barhe, village panchayat area

13	Katai village panchayat area	36	Atale , AT Barhe , village panchayat area
14	Nilje village panchayat area	37	Ambivali , AT Barhe , village panchayat area
15	Kole village panchayat area	38	Chikanghar Village Panchayat area
16	Kopar, Aire village panchayat area	39	Vadavali – Ambernath , Ambernath Municipal area
17	Kachore village panchayat area	40	Ambernath rural, Ambernath Municipal area
18	Tis village panchayat area	41	Ambernath Urban, Ambernath Municipal area
19	Nativali village panchayat area	42	Morivali , Ambernath Municipal area
20	Kate manivali village panchayat area	43	Kohoj - Ambernath Municipal area
21	Pisewali, Kachore village panchayat area	44	Chikhaloli Village Panchayat area
22	Shahad, Chikanghar village panchayat area	45	Kansai Forest Village area
23	Mharal village panchayat area	46	Javasai Forest Village area
		47	Ulhasnagar Municipal area

### Bhiwandi Taluka

1	Bhiwandi Municipal area	19	Ovali , Val village panchayat area
2	Nizampur , Bhiwandi Municipal area	20	Kopar , rahanal village panchayat area
3	Gauripada , Kamatghar village panchayat area	21	Kalhar village panchayat area
4	Kaneri Kamatghar village panchayat area	22	Dapare , Val village panchayat area
5	Narpoli kamatghar village panchayat area	23	Gundavali , Val village panchayat area
6	Fene , Kamatghar village panchayat area	24	Kasheli Kalhar village panchayat area
7	Kamatghar village panchayat area	25	Divra, Kalhar village panchayat area
8	Val village panchayat area	26	Kvani village panchayat area

**The Maharashtra Foodgrains Rationing (Second) Order, 1966**

9	Bhadvad village panchayat area	27	Pimplas village panchayat area
10	Kalwar , Dunge village panchayat area	28	Gove village panchayat area
11	Dunge village panchayat area	29	Kon village panchayat area
12	Wadghar , Dunge village panchayat area	30	Pimpalghar village panchayat area
13	Wadunavghar village panchayat area	31	Sarvali ,T Sonale, Pimpalghar village panchayat area
14	Kariwali village panchayat area	32	Ranjnoli, Pimpalghar village panchayat area
15	Vehele village panchayat area	33	Sonale, Bhadwad village panchayat area
16	Anjur village panchayat area	34	Temghar village panchayat Area
17	Rahanal village panchayat area	35	Chavindre village panchayat area
18	Purna, Rahanal village panchayat area	36	Nagaon, Chavindre village panchayat area
		37	Pagaon, Chavindre village panchayat area

\*[Area – District Thana , Taluka Ulhasnagar

**Names of villages**

<b>1</b>	<b>Manjarli Turf Chon</b>	<b>Village Panchayat area</b>	<b>13</b>	<b>Ashele</b>	<b>Do</b>
<b>2</b>	<b>Belayali</b>	<b>Do</b>	<b>14</b>	<b>Chinchpada</b>	<b>Do</b>
<b>3</b>	<b>Kulgaon</b>	<b>Do</b>	<b>15</b>	<b>Vasar</b>	<b>Do</b>
<b>4</b>	<b>Kulgaon</b>	<b>Do</b>	<b>16</b>	<b>Pale</b>	<b>Do</b>
<b>5</b>	<b>Shirgaon</b>	<b>Do</b>	<b>17</b>	<b>Jambhaivali</b>	<b>Do</b>
<b>6</b>	<b>Mankivali</b>	<b>Do</b>	<b>18</b>	<b>Dwarli</b>	<b>Do</b>
<b>7</b>	<b>Juveli</b>	<b>Do</b>	<b>19</b>	<b>Bhal</b>	<b>Do</b>
<b>8</b>	<b>Kharvali</b>	<b>Do</b>	<b>20</b>	<b>Adivali Dhokli</b>	<b>Do</b>
<b>9</b>	<b>Badlapur</b>	<b>Do</b>	<b>21</b>	<b>Umroli Turf Panchnand</b>	<b>Do</b>
<b>10</b>	<b>Sonivali</b>	<b>Do</b>	<b>22</b>	<b>Walivali</b>	<b>Do</b>
<b>11</b>	<b>Yeranjad</b>	<b>Do</b>			
<b>12</b>	<b>Mancre</b>	<b>Do</b>			

\*Added Notification no SAVIVYA- 1069/36537/CR-5686/XXVIII, dated 20<sup>th</sup> January 1990

[ Schedule B

( See sub – clause (k) of clause2 )

**Rationed Foodgrains Milo”**

**Substituted by Notification no ECA-2177/1077/D-XXIII, dated 3<sup>rd</sup> October 1977**



**THE MAHARASHTRA FOODGRAINS RATIONING (SECOND)  
REGULATIONS, 1966.**

**Food And Civil Supplies Department**

Bombay,

23<sup>rd</sup> November 1966.

**No.ECA-2266-F** -In pursuance of clause 10 of the Maharashtra Foodgrains Rationing (Second) Order, 1966 and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following Regulations, namely,-

**1. Short title and extent.**

- (1) These Regulations may be called the Maharashtra Foodgrains Rationing (Second) Regulations, 1966.
- (2) They extend to all rationing areas in the State, in which the Maharashtra Foodgrains Rationing (Second) Order, 1966 is in force.

**2. Definition.**

In these Regulations, unless the context otherwise requires;

(a) **“Form”** means a Form appended to these Regulations;

\*[(a) **“Fortnight”** means each of the period from 1st day to 15<sup>th</sup> day or from 16<sup>th</sup> day to the last day of calendar month (all days inclusive).]

(b) **“Heavy manual labourer”** means a person engaged in any heavy manual work which is declared as such by the State Government.

**Explanation** - The decision of the Controller of Rationing or any officer authorized him in this behalf as to whether any person is or is not a heavy manual Labourer shall be final;

(c) **“Order”** means the Maharashtra Foodgrains Rationing (Second) Order, 1966;

(d) **“Rationing Officer”** means an Officer appointed as such by the State Government, and includes as Assistant Rationing Officer or Inspecting Officer;

(e) **“Week”** in the first instance means each of the periods from 1st day to 7<sup>th</sup> day from 8<sup>th</sup> day to 15<sup>th</sup> day, from 16<sup>th</sup> day to 23<sup>rd</sup> day and from 24<sup>th</sup> day to last day of a month (all days inclusive), but from such date (being a Sunday) as may be notified by the



## **The Maharashtra Foodgrains Rationing (Second) Regulation, 1966**

Controller of Rationing for any rationing area means the period commencing from that Sunday and ending at midnight of Saturday next following, and each successive period of seven days thereafter;

- (f) Words and expressions used in the Order and also in these Regulations, but not defined in these Regulations, shall have the meanings assigned to them in the Order.

**Inserted by Notification No.SAVIVYA-1086-232-CR-4689-XXVIII, dated 10<sup>th</sup> September 1986.**

### **3. Procedure for obtaining ration cards.**

- (1) *Household ration card*- Any person, residing or intending to reside in any rationing area, to whom a ration card is not issued or whose name is not included in any other ration card and who desires to have a ration card issued for himself, and members of his household (if any), to whom ration cards are not issued or whose names are not included in any other ration card, may apply to the Rationing Officer of the area in which he resides or intends to reside and furnish true and correct information in Form-I.
- (2) *Temporary ration card* -Where any such person resides or intends to reside temporarily in a rationing area for a period exceeding one week, he may likewise make the application to the Rationing Officer concerned in Form-I, after specifying the exact number of days during which he intend to reside in the rationing area.
- (3) *Heavy Manual Labourer ration card* -Where a person, residing or intending to reside in any rationing area, is a heavy manual labourer, he may apply to the Rationing Officer of the area in which he resides or intend to reside in Form-IA for obtaining a ration card issued to a heavy manual labourer (in addition to that obtained by him under sub-clause (1) or to any ration card issued thereunder in which his name is included), and for that purpose furnish true and correct information in the said Form- IA.
- (4) *Establishment ration card* -For obtaining supplies of rationed

Foodgrains for the purposes of an establishment or establishment 'consumption, 'a person' in charge-' of the establishment may apply for a ration card, to the Rationing Officer, within whose jurisdiction the establishment is situated, and furnish true and correct information in Form-II.

#### 4. Kinds of ration cards.

A ration card which may be issued on such application shall be in Form-III, IV, IV-A, V or VI, as the case may be +[and cards of different types and colours may be issued for different class of people].

+ **Inserted by Notification No.SAVIVYA. 1097/CR-8060/CS~28, dated 24th March 1998.**

#### 1[5. Arrangements for registration of ration cards and withdrawal or authorizations of ration shops found surplus -

- (1) A holder of a ration card shall register his card at the ration shop allotted to him by the Controller of Rationing or the Rationing Officer. It shall be lawful for the Controller of Rationing or the Rationing Officer to order re-registration of any card, if it is already registered at a ration shop at any other ration shop specified by him in order to enable him to ensure that ration cards are registered at ration shops, buildingwise, roadwise, ward wise or in any other convenient manner deemed fit by him.
- (2) While ordering registration or re-registrations of ration cards, the Controller of Rationing or the Rationing Officer may allow registration of ration cards at any one ration shop with not more than 8,000 units. If for any special reasons, the Controller of Rationing or the Rationing Officer finds it necessary to exceed this limit in the case of any ration shop, he may, for reasons to be recorded and with the prior approval of the State Government, allocate ration cards having more than 2[8,000] units to that particular ration shop.
- (3) Notwithstanding anything contained in the last preceding sub-regulation, the Controller of Rationing may in his discretion allocate ration cards having more than 3[10,000] units to any ration shop which are run by the textile mills and other industrial concerns or by their employees or by any Co-operative Societies.
- (4) If as a result of the arrangements made under this regulation for proper distribution of ration cards among the ration shops, any one or more ration shops are rendered surplus to the requirements of the rationing authorities, it shall be lawful for the Controller of Rationing, after giving a reasonable notice, to withdraw the authorization issued to such shops not required for the time being, according to the priority order for the withdrawal of such authorizations specified by the State Government, from time to time.]

## **The Maharashtra Foodgrains Rationing (Second) Regulation, 1966**

- 1. Substituted by Notification No. ECA-2275-D-XXIII. Dt.24.12.1975.**
- 2. Substituted for the figure “12,000” by Notification No. SAVIVYA. 1088/2026/(5277)/CS-XXVII, Dated 24.07.1992;**
- 3. Substituted for the figure “12,000”, ibid.**
- 6. Conditions for obtaining supplies.**

No person shall obtain rationed foodgrains on a ration card, unless he-

- (a) Signs or puts his thumb impression in the space provided for that purpose on the ration card;
- (b) gets himself registered for obtaining his supply of rationed Foodgrains with a ration shop;
- (c) resides in the rationing area and is not absent from the rationing area for a period of two consecutive weeks or more, and he may obtain rationed foodgrains only for such other person included in the card who are not absent from the rationing area for a period of two consecutive weeks or more;
- (d) complies with any other directions which the Controller of Rationing or Rationing Officer may issue from time to time in this behalf.

### **7. Period of validity of ration card.**

A ration card shall be valid for the period specified there on or for such period as may be notified in this behalf by the Controller of Rationing or Rationing Officer. On an application made by the holder before the expiry of such period in such form as the Rationing Officer may require, the Rationing Officer may from time to time, validate the ration card for a further specified period.

### **8. Units to be shown on ration cards.**

Every ration card issued to a household shall show the number of units allotted to it, at the rate of 2 units for each member of the household of the age of 6 years and above, one unit for each member thereof the age below 6 years. In the case of heavy manual labourers, the extra unit or quantity of rationed foodgrains available shall be as shown on the card or shall be such as may be notified by Government or the Controller of Rationing from time to time.

### **9. Quantity of rationed food grains represented by unit.**

A unit shall represent such quantity of such rationed foodgrains and for such period as shall be fixed and notified by the Controller of Rationing from time to time.

**10. Form of Authorisation.**

- (1) The authorization to be issued under clause 3 of the Order, to a ration shop and the conditions subject to which such shop may obtain any supply food grains shall be as in Form VII.
- (2) In the case of an establishment the ration card issued to it in Form V shall be deemed to be the authorization issued to it.
- \*[(3)The authorization to be issued under clause 3of the Order to an authorized agent and the Conditions subject to which such agent may obtain, store and deliver foodgrains, shall be as in Form VII-A.]

**Inserted by Notification No. ECA-2268-F, dated 17.6.1969**

**\*[10-A. Forms of letter of appointment of agent and of revocation to such appointment.**

- (1) The letter of appointment of an agent by any ration shop or establishment under the Explanation to sub-clause (ai) of clause 2 of the Order shall be as in FormVII-B.
- (2) There vocation of the appointment of such agent shall be made in FormVII-C.]

**Inserted Notification No. ECA-2268-F, dated 17.6.1969.**

**11. Procedure for increasing units on ration card.**

Any person to whom aration isissued and who desires to increase the number of units on his ration card on account of increase in the number of members of his household or on account of himself or any member of his household becoming entitled for extra unit by his employment inheavy manual work, or by reason of a child becoming entitled to two units, may apply to the Rationing Officer, of the'area within whose jurisdiction he resides, and furnish true and correct information in'FormVIII.

**12. Procedure for reducing units on ration card.**

Any person to whom a ration card is issued shall apply, in Form IX for reducing the number of units on his ration card, if any of the person included in the card dies or leaves the rationing area for a period exceeding four weeks or when such person ceases to be entitled or extra unit for heavy manual work.

**13. Prohibition to obtain ration card by Armed Services Personnel.**

No person shall obtain a ration card for himself or any member of his household if he is receiving rationed foodgrains for himself or such member, as.the case may be, from any Naval, Military or Air Force authority.

## **The Maharashtra Foodgrains Rationing (Second) Regulation, 1966**

**Note** - Such service personnel on leave and residing in any rationing area, who are not drawing rationed foodgrains from such authority during the leave period, shall be entitled, to obtain a temporary ration card on application, to the Rationing Officer concerned.

14. Procedure for import of food grains against cancellation of entries on ration card for bonafide household consumption.

(1) Any person to whom a ration card is issued and who intends to import into a rationing area rationed foodgrains for bonafide household consumption may apply to the State Government or the Controller of Rationing or to any other officer authorised by Government or controller in this behalf inform X. On receipt of such application, \*[i]he Government or Controller or authorized Officer shall issue or cause to be issued import permit in Form XI or XI-A as the case may be]” on the condition that the cardholders shall present his ration card for cancellation of entries on ration card and get them cancelled for such period as maybe’determined by the Government, Controller or authorized Officer, taking into’consideration, the stocks held by him, the stocks imported, number of units on such card, and quantity of all or any rationed foodgrains which the cardholders desires to forego.

(2) If a ration card holder or any member of his household is a producer of any rationed foodgrains in the rationing area, (being the holder of any agricultural land and in that area), he shall present such ration card for cancellation of entries on his card and get them cancelled proportionately in the manner referred to above.

**Substituted by Notification No. ECA. 2270-19308/k dated 7-12-1970.**

**15. Issue of import and export permits generally.**

Any person to whom an import or export permit is issued in, accordance with clause 23 of the Order in Form XII or XIII as the case may be shall use it only for such purpose for which it is issued and comply with such conditions and directions as the State Government or the Controller of Rationing may impose or issue from time to time for Storage, sale or otherwise disposing of the stock imported.

**16. Application for certain changes and obtained a duplicate ration card.**

(1) In case of any change (other than in units) to be made in a ration card, the holder of the ration card shall apply in Form XIV to the Rationing Officer within whose jurisdiction he resides. Failure to inform the change in address shall render such card liable for cancellation.

(2) If a ration card is lost, stolen, torn or defaced, the holder, shall apply for a fresh card in Form XV to the Rationing Officer within whose jurisdiction he resides.

**17. Verification of applications.**

On receipt of any application, under these Regulations, the Rationing Officer may make or cause to be made such inquiry as he deems fit, for verification of the information furnished by the applicant.

**18. Further conditions to be observed by ration shops.**

- (1) Every ration shop shall, unless exempted by the State Government or Controller of Rationing, Bombay, deposit with State Government a sum of Rs.5,000 except in the case of shop run by the members of Scheduled Caste, Scheduled Tribe, Nomadic Tribes and Co-operative Society who shall deposit Rs. 2,500 in cash or in National Savings Certificates as security for, the due performance of the conditions of the authorization issued to it.]
- (2) Every ration shop shall purchase such stocks of rationed foodgrains as may be released in its favour for distribution and 'sale, at such rates as may be fixed by the State Government, on receipt of an indent from such shop and against payment of the cost there of in the manner prescribed by the Controller.

**Note -** Every ration shop shall indent for only such quantities of rationed foodgrains as may be required for distribution to consumers for a period of two weeks at a time on the basis of maximum obtainable in relation to the quantum fixed by Government or Controller and the number of cards registered and units thereon, less backlog quantity available in stock purchased during the preceding period of two weeks. On receipt of indent from a ration shop, the Controller or any other Officer authorized by him shall after verification of indent, issue or caused to be issued Ration Authority in Form VI for purchase of stocks of CI. - 18-Further conditions to be observed by ration shops. rationed foodgrains specified therein from Government godowns or from any other agency appointed by Government.

- (3) Every ration shop shall-

<sup>2</sup> [(a) always maintain adequate stocks of the rationed Foodgrains,

(aa) take adequate measures to ensure that the rationed foodgrains stored by him are maintained in good conditions and that damage to them due to ground moisture, rain insects, rodents, birds, fire and such other causes is avoided. Suitable unguage shall be used where necessary to avoid damage from ground moisture Fertilisers, insecticides and poisonous chemicals likely to contaminate shall not be stored along with the rationed foodgrains in the same godown or shop or in immediate juxtaposition of such foodgrains, It shall further be ensured that at the time of sale, the said foodgrains are in good condition.

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<sup>3</sup>[(aaa) make good the loss of the rationed foodgrains of Government supplied articles due to any theft, misappropriation, hypothecation or any, other similar contingency by remitting the amount of equivalent quantity of lost rationed foodgrains or Government supplied articles at retail rates, as the case may be, from the security deposit credited by him, as the Government or the Controller of Rationing, may direct, and shall pay the remaining amount, as arrears of land revenue” in case the value of rationed foodgrains or Government supplied articles lost due to theft, Misappropriation etc., is less than the amount of security deposit. Then the Government or the Controller of Rationing will supply to the concerned Authorised Ration shop, equivalent quantity from Government Godowns or any other sources as the case may be, for sale over and above the quantum of the current month, only to those who could not get their quota because of theft, misappropriation etc., done by the Authorised Ration Shop.]

- (b) display a board <sup>4</sup>[in Marathi] showing its authorized number, name, address, retail prices of the rationed foodgrains, time of working, and address of the Rationing Office within whose jurisdiction the shop is conducted. Another board <sup>4</sup>[in Marathi] of the size 45x60 centimetres with red letters indicating “ARS No. “on-white background shall also be displayed;
- (c) display the authorization issued under clause 3 of the Order;
- (d) maintain on the premises of the shop, true and proper accounts with regard to the receipt, distribution and sale of rationed foodgrains, together with all the supporting vouchers and other papers, particularly the following books and registers duly certified in the form prescribed by the State Government or the Controller :-
  - (i) Visit Book,
  - (ii) Instruction Book (for instructions of general type by Officers not lower in rank than Inspectors,
  - (iii) Register of Cards,
  - (iv) Register of Heavy Manual Labourers,
  - (v) File of Godown Bills,
  - (vi) File of copies of Indents,
  - (vii) Stock Book,
  - (viii) Cash Memo Book,

- (ix) SalesBook,
- (x) Complaint Book,
- (e) sell the rationed foodgrains to the persons holding household of establishment, ration cards issued by the government, on production of such cards according to the quantum and at the prices fixed by the Government or the Controller,
- <sup>5</sup>[(f) record, at the time of issue of rationed foodgrains, actual quantity of each commodity issued to the cardholders in the appropriate column of the ration card representing a fortnight, and issue a cash memo in Marathi in Form XVI whether demanded or not, mentioning distinctly the particulars of the retail, rates, the quantity of rationed foodgrains supplied and the price charged therefor.

**Note** - In case where commodity issued to the cardholder is not mentioned in the ration card, blank-space provided in the card should be utilized for mentioning the name of such commodity.]

- (g) sign in full on the reverse of the first and last cash memo every day in the morning and evening, as also on the first and last cash memo of every cash memo book, used during the day;
- (h) submit periodically abstract of Register of Cards, and fortnightly return of sales, together with the indent in such forms as the Controller may require;
- (i) obey and carry out all such instructions as may be given by the Controller or any other Officer authorized by him, from time to time;
- (j) be held responsible for all the acts of commission and omission of his partners, agents, servants and other persons who are allowed to work in the shop.
- (4) Except under and in accordance with the conditions (if any) of a special permission granted by the Controller of Rationing, no ration shop shall sell rationed foodgrains, obtained from sources other than Government Go down or any agency appointed by Government.
- (5) Every ration shop shall be liable for departmental action, or prosecution or both, as the case may be, for the contravention of the provisions of the Order and the Regulations made there under or of any instruction, directions or Orders issued under any such provisions or of any of conditions of the authorization issued to it.



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<sup>6</sup>[(5A) No ration shop shall, without reasonable cause, stop the working of the shop abruptly or allow the shop to remain closed during working hours on any working day, without the prior approval of the Controller.]

(6) Every ration shop intending to stop the business of supplying rationed foodgrains shall give 30 days previous notice to the Controller to enable him to make alternate arrangements for supplying rationed foodgrains to the household and establishment card holders allotted to the shop.

**1. Substituted by Notification NO. SAVIVYA,.1092-2467-CR 6526 CSXXVII dated 7.6.1993.**

**2. Substituted vide G.O.No. ECA2268-F dated 27.03.1969.**

**3-3 Inserted vide G.O. No. PDS - 1085-8469-(CR-4599)-CSXXVIII (A), dated 25.03.1986.**

**4. Inserted vide G.O.No.PDS-1086-230-(CR-4625)-CS XXVIII dated 18.03.1986.**

**5. SUBstituted vide G.O.No. SAVIVYA/1886/232/CR4698 dated 10.9.86.**

**6. Inserted vide G.O. No. ECA2268/F 27.03.1969.**

**<sup>1</sup>[[18-A. Further conditions to be observed by authorized agent.**

<sup>2</sup>[(1) Every authorized agent shall, unless exempted by the State Government or the Controller of Rationing, Bombay, deposit with the State Government a sum of Rs. 1,00,000 in cash or in National Saving Certificates as security for the due performance of the conditions of the authorization issued to him.]

**Note -** According to G.R. No.SAVIVYA-I092/2467/CR-6526/CS-28, dated 4th February 1994, an authorized agent, now require to deposite with State Government Rs.25,000 instead of Rs. 1,00,000.

(2) Every, authorized agent shall purchase, such stocks of rationed foodgrains as may be released in his favour for delivery to his constituent ration shop or establishments, at such rates, as may be fixed by the State Government, on receipt of a consolidated indent from such agent and against payment of the cost there of in the manner prescribed by the Controller of Rationing.

**Note -** <sup>3</sup>[Every authorized agent shall submit a 'consolidated indent, within two; days (excluding holidays) from receipt of indents from his constituent ration shops and establishment for such quantities of rationed foodgrains as may be required by his' constituent ration shops and establishments for distribution to the consumers.]

On receipt of consolidated indent from any authorized agent, the Controller or Rationing or any other Officer authorized by him shall, after verification of the consolidated indent, issue or cause to be issued Ration Authority in Form VI for purchase of stocks of rationed food grains specified therein from Government godown or from any other agency appointed by Government.

(3) Every authorized agent shall.

(a) on taking delivery of rationed foodgrains as a fore said distribute them to his constituent ration shops and establishments for whom they are earmarked. [On the same calendar day on which the indent is received by him from the godown at the prices fixed by the State Government or the Controller of Rationing.

<sup>5</sup>[(aaa) make good the loss of the rationed foodgrains or Government supplied articles due to any theft, misappropriation, hypothecation or any other similar contingency by remitting amount of equivalent quantity of rationed foodgrains or Government supplied articles at retail rates, as the case may be, from the security deposit credited by him, as Government or the Controller of Rationing, may direct and shall pay, the remaining amount as 'arrears of land revenue' in case the value, of the rationed foodgrains or Government supplied articles lost due to theft, misappropriation etc. is less than the amount of security deposit, then the Government or the Controller of Rationing will supply to the concerned authorized ration shop, equivalent quantity from the Government godowns or any other source, as the case may be, for further sale to the card holders at the existing retail rate and the quantum fixed by the Government or the Controller of Rationing, over and above the quantum fixed for the current month.]

(b) display at his office the authorization issued under clause 3 of the order;

(c) maintain in his office true and proper accounts with regard to the receipt and distribution of rationed food grains to his constituent ration shops and establishments together with all the supporting vouchers and other papers, particularly the following books and registers duly certified in the form that may be prescribed by the State Government or the Controller of Rationing, from time to time;

(i) Visit Book;

(ii) Instruction Book (for instructions of general type by Officers not lower in rank than that of Inspector);

## **The Maharashtra Foodgrains Rationing (Second) Regulation, 1966**

- (iii) File of Challans in respect of deliveries of rationed foodgrains to constituents ration shops and establishments.
- (iv) File of copies of indents;
- (v) Stock Book (including account of delivery of orderwise distribution of stocks);
- (d) Submit periodically such returns and reports in connection with the purchase and distribution of rationed foodgrains to his constituents in such form as the Controller may require;
- (e) obey and carry out all such instructions as may be given by the Controller or any other Officer authorized by him, from time to time;
- (f) be held responsible for all the acts of commission and omission of his office bearers, partners, agents, representatives, servants and other persons who are allowed by him to work in connection with the purchase and distribution of rationed foodgrains and to maintain accounts relating to all such transactions.

<sup>6</sup>[**Explanation-** Any person accompanying the vehicle engaged by or on behalf of the authorized agent for transport or movement of rationed foodgrains including the driver, cleaner and hamals, shall be deemed to be the servants of the authorized agent, for the purpose of these regulations.]

- (4) Except under and in accordance with the conditions (if any) of a special permission granted by the Controller of Rationing, no authorized agent shall sell rationed foodgrains obtained from source other than Government Godown or any agency appointed by Government.
- (5) Every authorized agent shall be liable for departmental action or prosecution, or both, as the case may be, for the contravention of the provisions of the Order and the Regulations made thereunder or of, any instructions, directions or Orders issued under any such provisions or condition of the authorization issued to him.
- (6) Every authorized agent intending to stop the work of distribution of rationed foodgrains shall not resort to sudden closure of his business or activities, but shall give 90 days previous notice to the Controller of Rationing to enable him to make alternate arrangements for supplying ration shops and establishments.

- 1. **Inserted vide G.O. No. ECA. 2268/F dated 17.6.1969.**
- 2. **Substituted by Notification No. SAVIVYA 1092/2467/CR.6526/CS. XXVIII dated 7.6.1993.**
- 3. **Substituted vide G.O. No. ECA. 2269/36406-F, dated 8.08.70.**

4. Substituted vide G.O.No. SAVIVYA-1088/2550/CRS316 /XXVIII, dated 28.9.1989.
5. Inserted vide G.O; No. PDS-1085/3469/CS-XXVIII(A), dated 25.3.1986.
6. Added vide G.O.No. SAVIVYA /1088/2550/CR-5316/XXVIII, dated 28.9.89.

**<sup>1</sup>[[19. Fees for ration cards and other documents supplied by Government.**

Fees shall be charged at the following rates.-

	RS.	
<sup>2</sup> [(i)(a)	Household ration card (Permanent)	<sup>3</sup> [5.00]
(b)	Renewal of further validation of Household rationcard (permanent)	2.00
(c)	Household rationcard (Temporary)	2.00
(d)	Heavy Manual Labourer Ration Card	2.00]]
(ii)	Establishment Ration Card	<sup>4</sup> [5.00]
(iii)	Duplicate in place of lost/stolen/torn or defaced Household rationcard (Permanent or temporary)/ Heavy Manual Labourer Ration Card	<sup>5</sup> [10.00]
(iv)	Duplicate in place of lost/stolen/torn or defaced Household ration card (Permanent or temporary)/ heavyManual Labourer Ration Card.	10.00
(v)	Authorisation	5.00
(v)	Renewal of authorization Duplicate authorization	2.00
(vi)	Duplicate authorization	10.00]

1. ci 19 substituted by Notification No.ECA.2271/11201-f, dated 24.7.1971.
2. Substituted vide G.O.No. ECA. 2276/220/XXIII, dated 20th March 1976:
3. Figures substituted for “2.00, 1.00, Nil and” respectively by Notification No. SAVIVYA. 1097/CR-8060/CS-28 dated 24th March 1998.
4. Figure “1.00” substituted by Notification No. SAVIVYA 1097/CR-8060/CS-28 dated 24th March 1998.
5. Figure "3.00" substituted by Notification No. SAVIVYA 1097/CR-8060/CS-28' dated 24th March 1998.

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\*[Form-I]

Sr.No..... Price-Rupeeone  
Village/Ward.....Taluka .....  
District.....,Rationing Area .....  
Area ..... , Region. ....

**Application For House hold Supply / Ration Card**

(To be filled in by the Head of Household)

CodeNo .....

Sr.No.....

Registration. No.....

**Warning,**

- (1) Furnishing false information with an intention to get Supply/Ration card is a cognizable offence and the person indulging in such offence will be prosecuted.
- (2) The supply/Ration card is liable to be cancelled if any information given in the application is found to be incorrect and benefits of civils uplies will bee xtended.
- (3) No application will been tertained unless allthe details in the application formare given-

1. Full Name of the applicant,.....

(beginning with surname).

Age.....

Citizenship, .....

II	Name of the applicant and person (s) other than the applicant who normally reside(s) with the applicant as member(s)	Relationship with the Applicant	Age	Citizenship	Profession and annual income
	(1)	(2)	(3)	(4)	(5)
(1)					
(2)					
(3)					
(4)					
(5)					
(6)					
(7)					
(8)					

Full residential Address .....

(1)	Period of intended stay in the local area.		
(2)	Whether any member of the family is professional as Doctor, Advocate, Architect, Chartered Accountant etc. If yes, the details thereof		
(3)	Total annual income of all the persons in the family from all the sources.	RS. ....	
(4)	Total professional tax paid by all the persons in the family	RS. ....	
(5)	Whether any person in the family pays income tax or liable to pay income tax (Yes/No)		
(6)	Whether any person in the family pays sales tax or liable to pay sales tax (If Yes, S.T.No.....)		

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(7)	Whether there is any telephonic telephone in the family		
(8)	Whether any person from the family owns a mechanically propelled two wheeler vehicle (e.g. moped, scooter and motor cycle etc.) or four wheeler vehicle (e.g. tractor, jeep etc). If so, the details thereof.		
(9)	Total holding of agricultural land in respect of all the persons in the family, including the applicant.	Dry land	..... Acres
		Seasonally Irrigated	..... Acres
		Perennially Irrigated	..... Acres
		Total	..... Acres
(10)	Whether Domestic L.P.G. Domestic connection is there, if so.	Yes/No One cylinder / Two cylinder	
	Gas Consumer No.....		
	Name of the Gas distributor with full address .....		
(11)	Whether you are willing to forego the supply of foodgrains on supply/ration card.	Yes/No	

III. Other information (This information should be in respect of all the persons in the family including the head of the family).

IV. Necessary documents from the following be furnished as a proof of residence for obtaining the new supply/ration card. ("be marked against the documents furnished).

- (1) House Rent Receipt. (2) House Tax Receipt. (3) Recent Electricity Bill.
- (4) Extract of Current Electoral Roll.
- (5) Any other Certificate/Proof regarding Residence.

V. I hereby declare that I shall immediately bring to notice of the competent authority about any change in the information at II, III and IV above.

VI. I also declare that I am / was possessing a supply/ration card bearing Serial No.      Code No.      for - units.

All the above statements are true, complete and correct to the best of my knowledge and belief.

VII I shall allow the concerned authority to enquire about the information in this application and about the supply/ration card that will be issued to me. I am aware that such a supply/ration card is Government property and I shall surrender it when demanded by the Collector/Controller of Rationing or any other officer empowered by him.

Date:

(Signature/L.H.T.I. of the Applicant)  
Verified and found Correct.  
Supply/Rationing Inspector.

For office use only

Inspector verification remark ..... Exact Code No. ....  
Verified all the details, Contacted Shri/Smt .....whose name  
appears in the application. Also contacted the neighbour Shri/Smt.  
.....whose Supply Ration Cardnumber is .....All the  
information was found to be correct. Place issue Supply/Ration Card for  
..... Adults and ..... children (Total Units .....).

Date :

Supply/Rationing Inspector.

**Assistant/Rationing Officer's/Inspecting Officer's/Tahsildars Orders**

Temporary/Permanent Supply/Ration Card may be issued for .....Adults  
and.....children (Total units .....).

Date :

Assistant/Rationing Officer/ Inspecting Officer/Tahsildar

Serial No. of the Supply/Ration Card.....Units Sanctioned .....Received  
new Supply/Ration Card on .....

(Signature/LHTI of the Applicant)

**Form-I**

*Counter Foil*

(Preserve this carefully to avoid delay in issuance of Supply/Ration Card)

Verification on ..... Code no. ....

Applicant's Name .....

Registration No. .... Produce on .....

Inspector.

Date :

For Collector/Controller

I here by authorize Shri/Smt .....whose name appears in the application to  
receive the Supply/Ration Card on my behalf.

(Signature/LHTI of Applicant)]\*



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**Form - I substituted by Notification No. SAVIVYA 1097/CR - 8060/CS-28, dated 24.03.1998.**

**Form I-A**

**Application For Heavy Manual Labourer Individual Ration, Card**

Rationing Area: .....

Application Serial No. ....

Particulars Regarding Household Ration Card Either In The Name Of The Worker  
Or In Which The Name Of The Worker Is Included

Application No. ....

Sr. No. of Household Card .....

Code No .....

Head of House hold .....

Age ..... FullAddress .....

Relationship of the worker with the head of Household .....

Signature or left hand thumb impression of the Head of Household  
.....

**Particulars For The Heavy Manual Labourer Individual Ration Card**

Name of the Heavy Manual Labourer .....  
.....age .....

Full address .....

Nature of heavy manual work one (occupation) .....

Name of the Employer .....

Address of the Employer. ....

Name of the Registered Trade Union and its Registration No .....  
..... of which the worker is a member, if any

( ) .....

.....  
Signature or left hand thumb  
impression of the Worker

Date : .....

.....  
Signature of the Employer on this

Name and Address of the Authorised Ration shop where the Household Ration Card either standing in the name of the worker or in which the name of the worker is included, is registered	Authorised Ration Shop No.	Reference No.	Date of Registration
(1)	(2)	(3)	(4)

Name and Address of the Authorised Ration shop where the Heavy Manual Labourer Individual Ration card is registered	Authorised Ration Shop No.	Reference No.	Date of Registration
(1)	(2)	(3)	(4)

representative over his designation  
rubber stamp.

Date : .....

**N.B.-** The information in the last two columns to be filled in afterwards.

..... Cut here .....

**Application Serial No.**.....

*Counter/oil*

**(Preserve this carefully, otherwise issue of Card may be delayed)**

AREA.- \*Rationing Area ..... Verified on .....

Code No ..... Name of the applicant .....

Registration No ..... to be produced on

..... Inspector .....

Date .....for Controller of Rationing.

..... Rationing Area

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**\*Here mention the name of the rationing area**

**Form-II**

**Application For Establishment Ration Card**

Serial No.....

Establishment ..... Code No. ....

Area : \* Rationing Area ..... Registration No. ....

(To be filled in by the Manager or owner or person-in-charge of Establishment)

- I. Warnings :**
1. Any false statement made and known to be such would be punishable.
  2. The permit is liable to be cancelled if any information given in the application is found to be incorrect.
  3. If full details are not furnished in the form it will not be accepted.

Applicant's full ..... (In block capital letters and beginning with surname.)

..... Age .....

**II. (a) Name of the establishment** .....

**(b) Description of** .....

Establishment, i.e., Eating House, Bhatyarkhana, Rice Plate Shop, Restaurant, Idli Dosa Shop, Puri Parotha Shop, Tea Shop, Residential Establishment, School/College Hostel, Mess, Orphanage, Residential Hotel, Running/Restaurant, General Hospital, Maternity Home, Industrial Canteen Serving Meals and/or Snacks, etc.

(Strike off whatever are not applicable.)

**III. Full Address-**

Name of the building (if any) .....

Municipal House No./Plot No./ Survey No.....

Flat/Room No.....Floor No .....

Name of the Road/by-Road/by-Lane .....

Village..... Postal District .....

**IV.** Name and address of person-in-charge .....

**V.** Name and No. of the licences held.-

(1) Municipal.....

(2) Police .....

(3) Shops and Establishment Licence .....

**VI.** (a) Number of permanent residents in the Establishment

(excluding servants) .....

(b) Average No. of servants for last three months (including Bharwalas)

.....

(c) Number of casual visitors .....

**VII.** Names of preparations normally available in the Establishment made of Rationed articles itemwise list attached .....

**VIII.** Monthly average of rationed articles purchased during last three months itemwise

.....

**IX.** Name and address of wholesaler or retail dealer from whom or mill or manufacturing Establishment from which supplies of foodgrains were obtained.....

.....

**X.** Quantity of each rationed article required for the Establishment for four weeks -

[In Quintals and Kilograms (not including rations for servants.)]

(1) Rice .....

(2) Wheat .....

(3) Sugar .....

(4) .....

(5) .....

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(6) .....

**XI.** I declare that I do not possess an establishment Ration card nor have I separately applied for it and that none of the persons in VI (a) and (b) above has been included in any application for any Household Ration Card or for any Establishment Ration Card and that all the above statements are to the best of my knowledge and belief, correct.

**XII.** I shall allow enquiry to be made with respect to the contents of this application and with respect to the Card for which I have applied. I know that such a Card is Government property and I shall surrender it when demanded by the Controller of Rationing or any other Officer empowered by him.

Date: .....

.....  
Signature of applicant .

---

**Form II**  
**(Counterfoil)**

Serial No.

(Preserve this carefully otherwise issue of Card may be delayed.)

Code No. ....

**Area:\*      Rationing Area.                      Registration No.**

Name of the applicant .....To be produced  
on. .... for the Establishment Ration Card.

Date : .....

.....  
For Controller of Rationing.

Inspector's Verification Remarks.- Verified all items, checked

Code .....list as per item VI(a), seen Muster Roll Account Books and all Licences.

Contracted the owner/person in-charge Shri.....

.....  
Units based on,.....Residents .....

servants may be sanctioned,

Date .....

.....  
Rationing Inspector

Orders of The Rationing Officers :-

Issue establishment Ration Card for-

Unit

(1) Permanent Residents

(2) Casual Residents

.....  
Total Units .....

Date .....

.....  
Rationing Officer.

Serial No.of Establishment Ration Card issue.....

Units sanctioned.....

Received the above Card on .....

.....  
Signature of the applicant

Addition And Alterations :

I hereby authorized Shri .....

Date .....

.....  
Signature or left hand thumb  
impression of applicant.

- Here mention the name of the rationing area.

\_\_\_\_\_

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\*[Form III

## Household Supply/Ration Card



### Government of Maharashtra

Sr. No. Household Supply/Ration Card  
Rationing Area .....

Form No. District .....

Citizenship ..... Code No. ....

Age ..... Full Residential Address .....

.....

Total annual income of family mentioned in application Rs. ....

If L.P.G. is used, name of the Gas Consumer .....

.....

Gas consumer No./Meter No. ....

Single/Double Cylinders, Name of the Gas distributor with full address .....

.....

Signature or left hand thumb impression of the Head of House.....

.....

.....

Number of Units			Date of issuing Supply/RationCard .....
Adult	Children	Unit	Signature of Inspector/Rationing Officer Signature of Inspector/Supply Officer. Collector .....
			Controller of Rationing Mumbai. By order and in the name the Governor of Maharashtra. Secretary, Food, Civil Supplies and Consumer protection Department

This Supply/Ration Card is meant for supply of P.D.S. items only and not for any other proof.

- (1) Supply/Ration Card is the Government property and cardholder shall be responsible for its safe custody.
- (2) On purchase of P.D.S. Items on supply/Ration card, before leaving shop cardholder should ensure that items enumerated in Cash Memo, its weight, prices are properly noted in the relevant columns of supply/Ration Card.
- (3) If there is any complaint, register it in the Complaint Book kept in F.P.S'/A.R.S. On demand F.P.S.K./A.R.S.K. is bound to produce it.
- (4) To obtain or attempt to obtain more than one supply/Ration Card by an individual is an offence.
- (5) Don't allow to use your card to others and don't use others card.

Don't purchase P.D.S. items on the units of your family member, who is out of station for more than a month. If shifted delete the name from card

House Visit/Verification/Renewal

Date	Name of the Officer and Designation	Signature



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Year		January		February		March		April		May		June	
Fortnight		(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Rice	Kg.												
	Date												
Wheat	Kg.												
	Date												
Sugar	Kg.												
	Date												
Edible Oil	Kg.												
	Ltr.												
Kerosene	Ltr.												
	Date												
Dal	Kg.												
	Date												
	Kg.												
	Date												
	Kg.												
	Date												

Year		July		August		September		October		November		December	
Fortnight		(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Rice	Kg.												
	Date												
Wheat	Kg.												
	Date												
Sugar	Kg.												
	Date												
Edible Oil	Kg.												
	Ltr.												
Kerosene	Ltr.												
	Date												
Dal	Kg.												
	Date												
	Kg.												
	Date												
	Kg.												
	Date												

Signature of the verifying Supply/Rationing

Inspector

.....  
 .....

Date of Verification .....

Name and address of F.P.S.K. / A.R.S.K.	No. of F.P.S.A.R.S.	Reference No.	Date of Registration	Signature of F.P.S. / A.R.S Keeper

### Consumer's Right

1. Protection against the marketing of goods which are hazardous to life and property.
2. To be informed about the quality, quantity, potency, purity, standard and price of goods so as to protest against unfair trade practices.
3. To be assured, wherever possible, access to a variety of goods at comperative prices.
4. To be heard and considered in the matter of consumer's interest.
5. To seek redressal against unfair trade practices and unscrupulous exploitation.
6. Opportunity to secure information and skill.

**The Maharashtra Foodgrains Rationing (Second) Regulation, 1966**

Old No. of Supply/Ration Card ....., Date .....

F.P.S./A.R.S. No. .... Ref. No. ....

Name included in Supply/Ration Card

Serial No.	Name	Age	Relation with Head of Household	Signature of Inspector/Rationing Officer

Fee. For Original Card Rs, 5.

For Duplicate CardRs.10.]

- **Form III substituted by Notification No. SAVIVYA 1097/232/CR -8060/CS-28, dated 24.3.1998.**

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## Form IV



**Government of Maharashtra**  
**Temporary Household Ration Card**

Serial No. of application .....

Card Sr.

Code No.....

Head of Household .....

..... Age .....

Full address .....

.....

.....  
Signature or thumb  
Impression of Household

No. of. Units	Signature of the Rationing officer	No. of. Units	Signature of the Rationing Officer

Date of Issue .....

Rationing Officer

Controller of Rationing  
\*Rationing Area.

By order and in the name of the Governor of Maharashtra.

M.N.Heble,  
Secretary to Government of  
Maharashtra,  
Food and Civil Supplies Department.

**Here mention the name of the Rationing Area**

\_\_\_\_\_

# The Maharashtra Foodgrains Rationing (Second) Regulation, 1966

\*Fortnight\*

Year	1986											
Month	January		February		March		April		May		June	
Fortnight	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Rice												
Wheat												
Levy sugar												
Edible Oil												
Jowar												

Year	1986											
Month	July		August		September		October		November		December	
Fortnight	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Rice												
Wheat												
Levy sugar												
Edible Oil												
Jowar												

Year	1987											
Month	January		February		March		April		May		June	
Fortnight	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Rice												
Wheat												
Levy sugar												
Edible Oil												
Jowar												

Year	1987											
Month	July		August		September		October		November		December	
Fortnight	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Rice												
Wheat												
Levy sugar												
Edible Oil												
Jowar												

Year	1988											
Month	January		February		March		April		May		June	
Fortnight	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Rice												
Wheat												
Levy sugar												
Edible Oil												
Jowar												

Year	1988											
Month	July		August		September		October		November		December	
Fortnight	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Rice												
Wheat												
Levy sugar												
Edible Oil												
Jowar												

## The Maharashtra Foodgrains Rationing (Second) Regulation, 1966

Year	1989											
Month	January		February		March		April		May		June	
Fortnight	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Rice												
Wheat												
Levy sugar												
Edible Oil												
Jowar												

Year	1989											
Month	July		August		September		October		November		December	
Fortnight	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Rice												
Wheat												
Levy sugar												
Edible Oil												
Jowar												

### Names of The Persons Included In This Card

Sr. No.	Name	Age	Relationship	Addl. Quota If any	Initial of R.O.
1.					
2.					
3.					
4.					
5.					
6.					
7.					

8.					
9.					
10.					
4.					
11.					
12.					
13.					
14.					
15.					

<b>Name and address of Authorized Ration Shop</b>	<b>Authorised R.S. No.</b>	<b>Reference No.</b>	<b>Date of Registration</b>	<b>Signature of A.R.S.K.</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>

Signature of Rationing Authority

Valid From ..... to .....

2.

3.

4.

5.

6.

7.

8.

9.

10.

\* Substituted vide G.O. No. SAVIVYAI086/232/CR 4698/XXVIII Dt.10.9.86.



**FormIV-A**

**Ration Card for Heavy Manual Labourer in..... Rationing Area**



**Government of Maharashtra**

1. Heavy Manual Labourer Application No.....
2. Heavy Manual Labourer Card Serial No.....
3. Code No.....
4. Name.....
5. Age.....
6. Address .....
7. Nature of occupation .....
8. Household Ration Card No .....
9. Code No .....
10. Head of the Household.....
11. Relationship of Heavy Manual Labourer with head of Household .....
- .....
12. Authorised Ration Shop No. of Household Card .....
13. Reference No. of Household Card .....
14. Signature or thumb impression of the Holder, i.e. Heavy Manual Labourer.
15. Employer (a) Name.....  
(b) Address.....
16. Signature of Employer  
or his Representative  
over his designation  
rubberstamp.

	January	February	March	April	May	June
1986						
1987						
1988						
1989						
1990						
1991						

	July	August	September	October	November	December
1986						
1987						
1988						
1989						
1990						
1991						

Six monthly certificate by the Employer that the Heavy Manual

Labourer is in service.

Signature of the Employer with date  
and Rubber Stamp.

July 1986 .....

Jan. 1986 .....

July 1987 .....

Jan. 1987 .....

July 1989 .....

Jan. 1989 .....

July 1990 .....

Jan. 1990 .....

July 1991 .....

**The Maharashtra Foodgrains Rationing (Second) Regulation, 1966**

**Renewal/verification**

Date	Name and designation of the Officer	Signature and date

Name and Address of Authorised Ration Shop Where the Heavy Manual Labourer Card is Registered	Authorised Ration Shop No. of the Heavy manual Labourer Card	Reference No.	Date of Registration	Signature of the Authorised Shopkeeper
(1)	(2)	(3)	(4)	(5)

Date of issue .....

Signature of the Rationing Officer .....

Controller of Rationing.....Rationing Area.

By order and in the name of the Governor of Maharashtra.

M.N. Heble,  
Secretary to the Government of Maharashtra,  
Food and Civil Supplies Department.

## Form V

## Establishment Ration Card



Government of Maharashtra

Controller of Rationing

\*Rationing Area

Establishment Ration Card

Application No. ....

Sr. No.

Code No. ....

Name of establishment .....

Full Address .....

Name of the owner .....

Description of the Establishment .....

Signature of the owner of the person incharge .....

Date of Issue .....

Signature of Rationing Officer

Controller of Rationing

\*Rationing Area

By Order and in the name of the Governor of Maharashtra

M.N. Heble,

Secretary to the Government of Maharashtra,

Food and Civil Supplies Department

\* Here mention name of the rationing area.

**The Maharashtra Foodgrains Rationing (Second) Regulation, 1966**

\*Fortnight\*

Year	1986											
Month	January		February		March		April		May		June	
Fortnight	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Rice												
Wheat												
Levy sugar												
Edible Oil												
Jowar												

Year	1986											
Month	July		August		September		October		November		December	
Fortnight	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Rice												
Wheat												
Levy sugar												
Edible Oil												
Jowar												

Year	1987											
Month	January		February		March		April		May		June	
Fortnight	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Rice												
Wheat												
Levy sugar												
Edible Oil												
Jowar												

Year	1987											
Month	July		August		September		October		November		December	
Fortnight	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Rice												
Wheat												
Levy sugar												
Edible Oil												
Jowar												

Year	1988											
Month	January		February		March		April		May		June	
Fortnight	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Rice												
Wheat												
Levy sugar												
Edible Oil												
Jowar												

Year	1988											
Month	July		August		September		October		November		December	
Fortnight	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Rice												
Wheat												
Levy sugar												
Edible Oil												
Jowar												

**The Maharashtra Foodgrains Rationing (Second) Regulation, 1966**

Year	1989											
Month	January		February		March		April		May		June	
Fortnight	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Rice												
Wheat												
Levy sugar												
Edible Oil												
Jowar												

Year	1989											
Month	July		August		September		October		November		December	
Fortnight	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Rice												
Wheat												
Levy sugar												
Edible Oil												
Jowar												

Year	1990											
Month	January		February		March		April		May		June	
Fortnight	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Rice												
Wheat												
Levy sugar												
Edible Oil												
Jowar												

Year	1990											
Month	July		August		September		October		November		December	
Fortnight	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Rice												
Wheat												
Levy sugar												
Edible Oil												
Jowar												

Year	1991											
Month	January		February		March		April		May		June	
Fortnight	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Rice												
Wheat												
Levy sugar												
Edible Oil												
Jowar												

Year	1991											
Month	July		August		September		October		November		December	
Fortnight	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Rice												
Wheat												
Levy sugar												
Edible Oil												
Jowar												



**The Maharashtra Foodgrains Rationing (Second) Regulation, 1966**

**Renewal/verification**

Date	Name and designation of the Officer	Signature and date

Name and Address of Authorised Ration Shop Where the Heavy Manual Labourer Card is Registered	Authorised Ration Shop No. of the Heavy manual Labourer Card	Reference No.	Date of Registration	Signature of the Authorised Shopkeeper
(1)	(2)	(3)	(4)	(5)

**Units Sanctioned**

Permanent Resident Boarders	No. of Servants	Casual Visitors	Total Units	Signature of R.O.

## Units Sanctioned

Permanent Resident Boarders	No. of Servants	Casual Visitors	Total Units	Signature of R.O.

## Form VI

## Ration Authority

Valid for one week from the date of issue

*(For Office)*

Indent No. IDT .....

Date .....

Name .....

.....

..... (ARS No. ....)

is authorized to purchase :-

Quintals      Kgs.

Wheat

Rice

Millet

Sugar

**The Maharashtra Foodgrains Rationing (Second) Regulation, 1966**

Controller of Rationing

Rationing Area

Rationing Officer

Assistant Rationing Officer

\* Here mention the name of the rationing area.

---

**Form VI**

**Ration Authority**

**Valid for one week from the date of issue**

*(For' the ARS/Wholesaler/Inspector/Godown-Keeper/Regional*

*Director (Food), Bombay)*

Indent No. IDT .....

Date .....

Name .....

.....

..... (ARS No. ....)

is authorized to purchase :-

Quintals      Kgs.

Wheat

Rice

Millet

Sugar

Controller of Rationing

Rationing Area

Rationing Officer

Assistant Rationing Officer

\* Here mention the name of the rationing area.

---

**Form VI**

**Ration Authority**

Valid for one week from the date of issue

*(For the Party)*

Indent No. IDT .....

Date .....

Name .....

.....

..... (ARS No. ....)

is authorized to purchase :-

	Quintals	Kgs.
Wheat		
Rice		
Millet		
Sugar		

Controller of Rationing

Rationing Area

Rationing Officer

Assistant Rationing Officer

\* Here mention the name of the rationing area.

**The Maharashtra Foodgrains Rationing (Second) Regulation, 1966**

**Form VII**



**Government of Maharashtra**

Authorization Issued Under The Maharashtra Foodgrains Rationing  
(Second) Order, 1966

**(Underclause 3 of the Order)**

*(Liable to be cancelled, if transferred)*

For Retailers

Office of the Controller of Rationing,  
Government of Maharashtra I [Rationing Area]

**Date**

Authorization :-

A.R. S. No .....

Name of the A.R.S. ....

Address of the A.R.S. ....

Name of the dealer incharge .....

Name/ Names of the owner or partners or Secretary or Manager (in case of Firm, Co-operative Society or Company or Employer's shop) :-

(1) Shri .....

(2) Shri .....

(3) Shri .....

(4) Shri .....

(5) Shri .....

Address of the premises, if any, where the dealer is permitted to stock or store Rationed article

.....  
.....

The said retailer is hereby approved as an Authorized Ration Shopkeeper for the purpose of purchase, distribution and sale of Rationed Articles, which Government intends to supply or supplies, to the public at the controlled price.

2. The authorization is valid upto the 31st December of the year of issue and its validity may be extended from time to time.
3. The authorization may be amended, 2 [suspended, withdrawn or cancelled] during the period its validity in accordance with the provision of the order or any regulations made there under.
4. This authorization should be displayed in a prominent place of the shop and produced for inspection when so required by an authorized officer or Government.
5. The authorization is valid for the period specified on it. The holder of the authorization should get it extended in due time by the Controller of Rationing, before the expiry of the validity period. 3 [No authorized retailer shall carry on business in any Rationed Articles after the expiry of the validity period of the authorization. Where any authorized retailer carried on such business after the expiry of the validity period of, his authorization, he shall be deemed to have contravened the conditions of the Maharashtra Foodgrains Rationing (Second) Order, 1966 and shall be liable for departmental action, prosecution or both.]
6. This authorization is not transferable.
7. If the authorization is or is to be in the name of a firm, the firm name, the place or places of business of the firm and the name and residential address of each partner shall be furnished to the controller of Rationing, and whenever there is any change in the firm name, place of business or address of a partner, written intimation thereof shall be given to the Controller within seven days from the date on which such change take place. 4 [If it is intended to admit a new partner or if any of the partners desire to retire, previous notice thereof shall be given to the Controller. If any new partner is admitted or if any of the partners dies or is expelled or otherwise ceases to be a partner, notice thereof also shall be given to the Controller, within seven days from the date on which the new partner is admitted or any existing partner ceases to be a partner. On receipt of any such notice or *suo-motu* after making such inquiry as may be deemed necessary, it shall be lawful for the State Government or the Controller of Rationing either to continue the Authorization or, after giving an opportunity to be heard, to discontinue the same forthwith, if in its or his opinion, with the change in the constitution of the firm, the firm is not suitable to hold the authorization.]

## The Maharashtra Foodgrains Rationing (Second) Regulation, 1966

8. If the concern in respect of which this Authorization has been issued is to be transferred, sub-let or contracted to be run by any other person, the holder of the Authorization shall apply to the Controller of Rationing for getting the Authorization transferred to such other person. The Controller of Rationing is not bound to transfer the Authorization to such person.
9. The said retailers shall comply with any direction that may be given to him by the controller in regard to purchase, sale or storage for sale of Rationed Articles and in regard to the maintenance of accounts, keeping of the registers, returns and issue of receipts 5[and the language in which they shall be written] and such other matters.
10. The holder of this authorization shall be liable for departmental action, prosecution, or both as the case may be for any contravention of the provisions of the Order or any regulation made thereunder or any instructions, directives or Orders. issued under any such provisions.
- 6[11. The said retailer, his partner, agent, servant and any other person acting on his behalf who is allowed to work in the shop, when in contract with the public general and the card-holders of his shop in particular, shall be courteous and shall display a high sense of co-operation and service of the customers.]

Controller of Rationing,  
Government of Maharashtra,  
[ ] Rationing Area.

	Signature	Date	Signature
Date	(1)	(4)	
Extended to	(2)	(5)	
	(3)	(6)	

1. Here mention the name of the rationing area.
2. Words, "Suspended, withdrawn or cancelled" substituted vide G.O. No. ECA-2275-D-XXIII, dated 24-12-1975.
3. Added vide Govt. Regulations No. ECA-2275-D-XXIII, dated 20th June 1976.
4. Substituted vide G. O. No. ECA-2268-26579/F, dated 2-7-1970.
5. Inserted vide G.O. No. ECA-2273-17566/F, dated 20-11-1973.
6. Added wide Govt. Regulations No. ECA-2276-877-(422)-D-XXIII, dated 28th February 1977.

Form <sup>1</sup> [VII-A]**Government of Maharashtra**

Authorization Issued Under The Maharashtra Foodgrains Rationing

(Second) Order, 1966

**(Under clause 3 of the Order)***(Liable to be cancelled, if transferred)*

For authorized Agents

Office of the Controller of Rationing, Government of Maharashtra,

Rationing Area

Authorization :-

Name of the authorized agent (business name) .....

.....

.....

Address .....

.....

Name (s) and address of the owner or partners or, Secretary or Manager (incase of Firm, Company, Co-operative Society etc.):-

(1) Shri.....(address).....

(2) Shri.....(address).....

(3) Shri.....(address).....

(4) Shri.....(address).....

Address of the premises, where the authorized agent is permitted to stock or store Rationed articles.

The said agent is hereby approved as an authorized agent for the purpose of purchase, storage and delivery of rationed articles, which Government intends to supply or supplied, to his constituent ration shops and establishments at controlled price.



## The Maharashtra Foodgrains Rationing (Second) Regulation, 1966

- <sup>2</sup>[2. The authorization is valid for a period of two years from the date of issue, i.e. upto .....and its validity may be extended from time to time by endorsement.]
3. The authorization may be amended, <sup>3</sup>[suspended, withdrawn or cancelled] during the period of its validity in accordance with the provisions of the Order or any Regulation made thereunder.
4. This authorization should be displayed in a prominent place in the office of the authorized agent and produced for inspection when so required by an authorized officer of Government.
5. This authorization is valid for the period specified in it. The authorized agent should get it extended in due time by the Controller of Rationing before the expiry of the validity period.  
  
<sup>4</sup>[No authorized agent shall carry on business in any rationed article after the expiry of the validity period of his authorization. Where any authorized agent carries on such business after the expiry of the validity period of his authorization, he shall be deemed to have contravened this order and shall be liable for departmental action, prosecution or both.]
6. This authorization is not transferable.
7. If the authorization is to be in the name of firm, company, co-operative society or association of persons, the name of the firm, company, co-operative society or association, its place or places of business, the names and residential address of the partners or office bearers in charge of the conduct of its business or affairs shall be furnished to the Controller of Rationing and whenever there is any change in information furnished to the Controller written intimation thereof shall be given to the Controller within seven days from the date on which such change takes place.
8. The authorized agent shall comply with any direction that may be given to him by the Controller of Rationing in regard to purchase, storage or supply of rationed articles, in respect of which he is an authorized agent and in regard to the maintenance of accounts, registers, submission of returns, issue of receipts and such other matters.
9. The authorized agent shall be liable for departmental action, prosecution, or both, as the case may be, for any contravention of the provisions of the Order or any regulations made thereunder or of any instructions, directions or orders issued under any such provisions.

Date .....

Controller of Rationing,  
Government of Maharashtra,  
5..... Rationing Area

	Signature	Date	Signature
Date	(1)	(4)	
Extended to	(2)	(5)	
	(3)	(6)	

1. Form VII-A inserted vide G.O. No. ECA-2268-F, dated 17<sup>th</sup> June 1969.
2. Paragraph 2 substituted vide G.No.No. ECA-2269-36406-F. dated 18<sup>th</sup> August 1970
3. Words “suspended, withdrawn or cancelled” substituted vide G. O. No. ECA-227S-D-XXIII, dated 24th December 1975.
4. Added vide G. O. No. ECA-2275/D-XXIII, dated 29<sup>th</sup> June 1976.
5. Here mention the name of the rationing area.

---

**Form VII -B**  
**Appointment of Agent**  
**(See clause 10A)**

To,

The Controller of Rationing,  
....., Rationing Area,

## The Maharashtra Foodgrains Rationing (Second) Regulation, 1966

I,.....  
carrying on the business as a dealers/an establishment in the name and style  
of.....At .....

We .....carrying on  
business in partnership as a dealer/an establishment in the firm name and style  
of.....at .....

.....We, .....  
.....a Co-operative Society registered or deemed to  
be registered under the Maharashtra Co- operative Societies Act, 1960, and having its  
registered office at ..... and running an  
Authorized Ration Shop/Establishment No..... at

.....under Authorisation No. ....  
dated .....issued to ..... do hereby 2  
(jointly and each of us severally) nominate, constitute and appoint .....  
..... as the agent on my/our behalf to 3[execute and perform the  
following acts,] deeds, matters and things under the provisions of the Maharashtra  
Foodgrains Rationing (Second) Order, 1966:-

- (1) To prepare on my/our behalf indents for foodgrains, sugar and other commodities which the Controller of Rationing decides to distribute from time to time to the Authorised Ration Shops Establishments.
- (2) On receipts of delivery/release order issued by Government. to promptly take delivery after making payment therefor, on my/our behalf, and deliver the same to me/us.
- (3) To demand, Collect, recover and receive from Government, the amount due to me/us in respect of excess money, if any, paid for the price of the foodgrains, sugar and other commodities and/or the reimbursement by Government of any amount/s due to me/us from time to time in respect of my/our said indent for foodgrains, sugar and other commodities submitted by me/us or on my/our behalf to the Controller of Rationing as aforesaid and to give effectual receipts and discharges there for on my/our behalf.
- (4) To negotiate and settle for any amount whatsoever all my/our claims in respect of the food grains, sugar and other commodities supplied to me/us from time to time.
- (5) Generally to do all other acts deeds things and matters as may be convenient for obtaining foodgrains, sugar and other commodities on my/our behalf and delivering the same to me/us.

Dated at ..... the .....  
day of .....19

Signature.

I/We hereby accept appointment as agent on the terms and conditions mentioned above.

Dated at ..... on .....

Signature.

In the presence of :

(1) .....

(2) .....

Dated at ..... on .....

1. **Form VII-B inserted vide G. O. No. ECA 2268/1", dated 17-6-69.**
2. **"Words in brackets to be retained only incase of partnership firms.**
3. **Substituted vide G. O. No. ECA 2269/36406-F, dated 18-8-1970.**

+[Form VII-C

**Revocation of appointment of Agent**

*(See clause 10A)*

To,

The Controller of Rationing,

.....Rationing Area.

I, ..... carrying on

business as a dealer/an establishment in the name and style

**The Maharashtra Foodgrains Rationing (Second) Regulation, 1966**

of..... at.....We,  
..... carrying on business in partnership as a dealer/  
an establishment the firm, name and style of ..... at  
...../ We,..... a Co-operative  
Society registered or deemed to be registered under the Maharashtra Co-operative Societies  
Act, 1960 and having its registered office at ..... and running  
Authorised Ration Shop/Establishment No ..... at  
..... under Authorisation No. ....  
dated the, ..... Issue to ..... do hereby  
revoke the appointment of,..... as my/our agent for the purposes of  
the Maharashtra Foodgrains Rationing (Second) Order, 1966.

Dated at ....., on the .....  
day of .....199 .]

Signature.

+ **Form VII-C inserted vide G. O. No. ECA-2268/F, dated 17<sup>th</sup> June, 1969.**

---

**Form VIII**  
**Rationing Area**

**Area \***

Application for permanent increase in the units on Household Ration Card.

Code No. .... Serial No. ....

**Warnings.-** Any false statement made in this application known to be such would be punishable.

I, ..... age .....

(Name beginning with surname)

Residing at .....

(Flat/Room No.) (Name of building) (Municipal House No.) (Road), (Municipal Ward No.) (Postal District)

Apply for

**I.** Inclusion of the following names in my Ration Card No.....

registered at Shop No ..... (Reference No. ....)

Name	Relationship with the applicant	Age	Occupation	Date of arrival	Probable period of further stay
(a)	(b)	(c)	(d)	(e)	(f)
(1)					
(2)					
(3)					
(4)					

**II.** Additional units/rations of my Ration Card No ..... Registered in Ration ShopNo.....(Ref. Reference No. .... ), as the following children have attained the age of six years :-

Name	Relationship with the applicant	Birth date
(a)	(b)	(c)
(1)		
(2)		
(3)		
(4)		

**III.** Additional units/rations of my Ration Card No..... Registered in Ration Shop No ..... (Reference No. .... ) as the following person (s)of my Household have become entitled for extra units/rations by reasons of his/her/their employment in the H;M. Work.

Name	Relationship	Category of H.M. Work	Name and address of Employer
(a)	(b)	(c)	(d)
(1)			
(2)			

**The Maharashtra Foodgrains Rationing (Second) Regulation, 1966**

IV. None of the persons mentioned above is included in any application for Household Ration Card or in any Household Ration Card or in application for Establishment Ration Card, or in any Establishment Ration Card, except that child/children in paragraph II above has/have been included in my Ration Card.

V. I declare that all the above statements are, to the best of my knowledge and belief, correct.

Date .....

Signature or thumb impression of the Applicant.

- Here mention the name of the Rationing Area.

**Form VIII**  
*Counter/oil*

**(Preserve this carefully ; if lost issue of Card will be delayed)**

**Area : \***

**Rationing Area :**

Code No .....

Serial No. ....

To be produced on ..... Received Ration Card No. ....

(Strike out if not required)

Date .....

.....  
For Controller of Rationing,  
\*.....Rationing Area.

- 
- Here mention the name of the Rationing Area.

Rationing Inspector Report :-

(1) Visited the premises on ..... at .....

(2) Correctness or otherwise of the information in the application form.

---

Orders of Assistant Rationing Officers/Rationing Officer :-

Inclusion of ..... adults and ..... children allowed. Increase Number of units from ..... to ..... due to children reaching age six/H. M. Work.

Total increase of units from .....to .....allowed.  
.....

Received Ration Card No ..... Units .....  
Date .....

.....  
Signature of the Applicant.

-----  
**Form IX**

**Area :** .....\* ..... **Rationing Area**

Application for Permanent Reduction in the units on  
Household Ration Card

**Code No.** ..... **Serial No.** .....

- Warning :-
- (1) Any false statement made and known to be such would be punishable.
  - (2) The card is liable to be cancelled if any information given in the application is found to be incorrect.
  - (3) Household Ration Card should be produced while submitting this form.

I, ..... Age .....

(Name beginning with surname)

residing at .....

(Flat/Room No.) (Name of Bldg.) (Municipal House No.) (Road) (Plot and Survey No.)  
..... apply for exclusion of



**The Maharashtra Foodgrains Rationing (Second) Regulation, 1966**

(Municipal Ward No.)

(Postal District)

the following persons from my Ration Card No ..... registered at Shop No. ....Reference Register No: .....):

Name	Relationship	Age	Occupation	Date of departure	In cases of departure place
(a)	(b)	(c)	(d)	(e)	(f)
(1)					
(2)					
(3)					

**II.**

Name	Relationship with the applicant	Name and address of	Category of H.M. Work in which engaged	Date of ceasing to be H.M.L.
(a)	(b)	(c)	(d)	(e)
(1)				
(2)				

**III.** I, declare that all the above statements are, to the best of my knowledge and belief, correct.

**Date** .....

.....  
(Signature of applicant)

Reduction of.....adults and, .....Children allowed.

Decrease Number of units from ..... to .....

Rationing Officer/  
Asstt., Rationing Officer.

\* Here mention the name of the rationing area.

-----

**Form IX***Counterfoil*

Area : \* ..... Rationing Area ..... Code No. ....

Serial No. .... Registration No. ....

Name (s) of (1) .....

(2) .....

(3) .....

Have been reduced from Card No. .... Reference N. ....

From ..... to ..... Units .....

Signature of Rationing  
Officer / Assistant Rationing Officer

Note - This counterfoil should be produced for new Ration Card in another Rationing Area of the State or for introduction of names in old Household Card or for issue of new Card.

-----

**Form X****Code No** .....**Registration No**.....*Form of application for import of Rationed Food grains for bonafide household consumptions*

1. Name of applicant
2. Applicant's profession or occupation
3. Applicant's full residential address
4. Rationing Ward: (i) Ration Card No.  
(ii) Ration Shop No. where card is registered
5. Number of members in the family residing with the applicant (Adults denoting HML if any, and children to be shown separately.)
6. quantity of variety/varieties of Foodgrains to be imported and the Place District, State from which to be imported.

**The Maharashtra Foodgrains Rationing (Second) Regulation, 1966**

- \*[7. Whether the applicant has got cultivable land in his own name or on the name of any member of his family.
- 8. Total area under cultivation :-
  - (a) Exact place where situated
  - (b) Survey Number(s)
  - (c) Total production during the year of import.]
- 9. Whether the applicant wants to import foodgrains by Rail/Road/Sea.

**Date** .....

Signature or thumb  
Impression of the Applicant.

\*\*[Not applicable in case of wheat.]

\*\* Items 7 and 8 substituted vide G.O.No. ECA-2270-19308-F, dated 7<sup>th</sup> December 1970.

\*\*\_\*\* Inserted vide G.O. No. ECA-2270-19308-F, dated 7th December 1970.

-----  
**Form X**  
*Counter/oil*

(Preserve this, otherwise issue of import permit may be delayed)

Area: ..... Code No .....

SerialNo ..... Registration No. ....

Name of the Applicant  
.....

To be produced on .....

Date .....

For Rationing Officer

Inspectors Verification Remarks :

Date .....

Signature of Inspector

Order of Rationing Officer:

Import permit asked for may/may not be granted

Date .....

Signature of Rationing Officer

-----

**Form XI**

Code No.....

Registration No.....

*[Underclause 14 of the Maharashtra Foodgrains Rationing (Second) Regulations, 1966]*

Shri/Smt.....is .....  
Authorized to import (quantity) of Rice <sup>1</sup>[ ]/Jowar/Bajra/Maize/Milointhat  
..... Rationing Area (Place) from  
..... District .....State.

<sup>2</sup> [Where the foodgrains are to be imported for man other State, this permit is subject to the further condition that the permit holder secures the requisite export permit from that State.]

- 2. This permit is valid for imports by Rail/Road/Sea for a period of three months from the date of issue.
- 3. This permit should be produced to the <sup>3</sup>[Rationing Office] along with the Ration Card immediately after foodgrains are actually imported in the Rationing Area.

Signature of the Officer concerned.

<sup>4</sup>(Area)

**The Maharashtra Foodgrains Rationing (Second) Regulation, 1966**

1. Word “wheat” deleted vide G. O. No. ECA-2270-19308-F, dated 7<sup>th</sup> December 1970.
2. Inserted vide G.O. No. ECA-2269-F, dated 22 May 1970.
3. Word “Rationing Officer” substituted for word “issuing authority” vide GO. No. ECA-2271-1330-F, dated 13th July 1971.
4. Here mention the name of the rationing area.

---

s[Form XI-A]

Code No. ....

Registration No. ....

Import Permit For Wheat Against Cancellation of Coupons

*[Under clause 14 of the Maharashtra Foodgrains Rationing (Second) Regulations.  
1966 ]*

Shri/Smt. .... is authorized to import  
.....(quantity of wheat in the\*  
..... Rationing Area (Place) from  
.....District .....State.

2. This permit is valid for imports by Rail/Road/Sea for a period of one month from the date of issue.
3. This permit should be surrendered to the issuing authority immediately after the foodgrains are imported in the Rationing Area.

**\$\$ Form XI-A inserted vide G. D. No. ECA-2270-19308-F’, dated 7<sup>th</sup> December 1970.**

\*-\* Here mention the name of the rationing area.

---

**Form XII**

**Code No** .....

**Registration No**.....

**Import Permit**

*[Under clause 15 of the Maharashtra Foodgrains Rationing (Second) Regulations, 1966]*

Shri/Smt.....is hereby authorized to import (quantity) of Rice/Wheat/Jowar/Bajra/Maize/Milo from ..... District, ..... State on Government account.

- 2. This permit is valid for imports by Rail/Road/Sea routes for a period of three months from the date of issue.
- 3. This permit should be surrendered to the issuing authority immediately after the foodgrains are imported. This export permit issued by competent authority should also be surrendered for cancellation.
- 4. The stocks of foodgrains imported should be disposed of in such a manner as may be directed by the controller of Rationing (Area).

Controller of Rationing.

Date of Issue .....

.....(Area)

**The Maharashtra Foodgrains Rationing (Second) Regulation, 1966**

Form XIII

Code No. ....

Registration No .....

Export Permit

*(Underclause 15 of the Maharashtra Foodgrains Rationing (Second)*

*Regulations, 1966]*

Shri/Smt. .... is here by  
authorized to export (quantity) of Rice/Wheat/Jowar/Bajra/Maize/Milo.  
From.....District...../  
..... State on Government account.

2. This permit is valid for 'Export by Rail/Road/Sea routes for a period of three months from the date of issue.
3. This permit should be surrendered to\* .....after the foodgrains are exported under intimation to the authority which issued it.

Controller of Rationing.

Date of Issue. ....

.....(Area)

**· To be filled in.**

---

Form XIV

Area :\* .....

Rationing Area

Application For Changes (Other Than In Units) On Ration Card

(In case of change of address to be presented to the Rationing Officer in whose jurisdiction old address is and after taking counter foil, the Ration Card should be presented to the Rationing Officer of the new area. Card is liable to be cancelled in case incorrect address is given).

- Warnings:-** (1) Any false statement made and known to be such would be punishable.  
 (2) The Card is liable to be cancelled if any information given in he application is found to be incorrect.

I, .....

(Name beginning with surname)

Age..... Residing at .....

(Flat/Room No.) (Name of Bldg.) (Municipal House No.) (Road)

-----

Plot No./Survey No.

.....

apply for the following changes in my Ration Card No. ....registered

(Municipal Ward No.) (Postal District)

at A.R.S. No. .... (Reference Register No. ....)

Present position	Desired change	Reasons
(a)	(b)	(c)



**The Maharashtra Foodgrains Rationing (Second) Regulation, 1966**

I, declare that all the above statements are, to the best of my knowledge and belief, correct.

Date .....

.....  
Signature of applicant

“Change of address/change of Head of family/Change of Shop/Correction in name” allowed.

New address/New head of Family/New Shop No./Correct name is as follows :-

Rationing *Officer*/Asstt.  
Rationing  
Officer.

- Here mention the name of the rationing area.

\_\_\_\_\_

Form XIV

Counter foil

Area :\* .....Rationing Area                      Serial No. ....

(In case of change of address only)

Code No. .... Rationing Office .....

Name of Head of the family: ..... This counter foil is presented to the Rationing Office of new area to issue card for ..... adults/children ..... Units ..... where in the address is changed.

Signature of Rationing Officer/  
Asstt.  
Rationing Officer.

- Here mention the name of the rationing area.

\_\_\_\_\_

Form XV

Area : .....

Rationing Area

Application Form for Duplicate Cards in Cases of  
Lost/Stolen/Torn/Defaced Ration Cards

Code No. ....

Serial No. ....

**Warnings.** (1) Any false statement made in this application and known to be such would be punishable.

(2) In case of the Torn/Defaced card, old must accompany this application.

**I.** I,

.....

(Name beginning with surname)

age .....residing at .....  
apply for a duplicate card as, my 2[House hold/Heavy Manual Labourer/  
Establishment Ration Card] .....registered at  
Authorised Ration Shop.....

(Reference Register No.....)  
has been lost/stolen/torn/defaced on .....and  
all efforts to locate it have failed.

**II.** I shall register the new card when received at the same Authorised Ration Shop, viz.,

**III.** Name of the employer/business and his/business address .....

## IV.

Name(s) of the person(s) other than the applicant who normally reside(s) with the applicant as	Relationship with the applicant	Age	Occupation
(a)	(b)	(c)	(d)
1.			
2.			
3.			
4.			
5.			
(Attach a list if necessary)			

<sup>2</sup>V. None of the persons mentioned above is included in my application for Household/ Establishment Ration Card or any Household/ Establishment Ration Card except my old Ration Card No. ....

VI. If the lost Card is found, I shall surrender it immediately.

VII. I declare that all the above statements are, to the best of my knowledge and belief, correct.

Date .....

Signature of applicant,  
<sup>3</sup>[Signature of the 'Employer or his representative over his designation rubber stamp, in case of Heavy manual Labourer Ration Card.]

1. Here mention the name of the rationing area.
2. Substituted vide G.O. No. ECA-2268-F, dated 13-1-69.
3. Inserted vide G.O. No. ECA-2268-F, dated 13-1-1969.

**The Maharashtra Foodgrains Rationing (Second) Regulation, 1966**

**Form XV**

*Counter foil*

*(Preserve this carefully; if lost, issuea/Card willbe delayed)*

**Area :\$** .....

**Rationing Area**

**Code No.** .....

**Serial No.** .....

To be produced on.....

Serial No.....

Date: .....

Received Ration Card No.....

.....

for controller of Rationing

\$ ..... Rationing Area.

In case of defaced/torn cards the following details maybe obtained from A.R.S.K.:-

Serial No ..... Card No..... Reference No .....

A.R.S.No. ....Units .....Signature and stamp of A.R.S.K. Rationing Inspector's Report :-

---

Orders of Rationing Officer :-

---

Received Ration Card No. ....Units .....

Date.....

.....  
Signature of applicant.

- Here mention the Dame of the rationing area.

---

## Form XVI

Cash Memo No. ....

Name of A. R. S. ....

Address of A.R.S. ....

Daily SerialNo. .... A. R. S. No. ....

Ref. No. .... Unit No. ....

Card/s No. .... Date .....

Name of rationed article	Retailrateper	quantity supplied	Price charged
(1)	(2)	(3)	(4)
	Rs. P.	Kg. Grams	Rs. P.
Rice			
Wheat			
Sugar			
		Total	

Weeks/s

Signature]

\*-\* Table Substituted vide G.O. NO. ECA-2269-F, dated 8-7-1969.

**t-t Any other controlled commodity sold bythe Authorised Ration shop-keeper should be shown here.**

-----



**THE MAHARASHTRA KEROSENE DEALERS' LICENSING  
ORDER, 1966.**

**Food and Civil Supplies Department,**

Bombay

Dated the 22<sup>nd</sup> June 1966

Order

**No. KER 1166/8115-LL.-** In exercise of the powers conferred by clauses (c), (d), (i), (ii), and (j) of sub section (2) of section 3 of the Essential Commodities Act, 1955 (X of 1955), and of all other powers enabling the Government of Maharashtra in this behalf, read with the Government of India, Ministry of Mines and Fuel, Order No. S.O.3524, dated the 13<sup>th</sup> November, 1962, and Ministry of Commerce, Order No. SO 1844, dated 18<sup>th</sup> June 1966 and No. S O 2314, dated 30<sup>th</sup> July 1966, the Government of Maharashtra hereby makes the following Order, namely:-

**1. Short title extent and commencement.**

(1) This Order may be called the Maharashtra Kerosene Dealers Licensing 'Order, 1966.

(2) It extends to the whole of the State of Maharashtra,

(3) It shall come into force on the 1<sup>st</sup> day of July 1966.

**2. Definitions.**

In this Order, unless the context otherwise requires,-

(a) **“Collector”** means the collector of the district; and includes -

<sup>1</sup>[the Additional Collector] the district Supply' Officer, an Assistant District Supply Officer, <sup>2</sup>[the Tahsildar] and such other officer or officers as may be authorized by the Collector in this behalf; .

<sup>3</sup>[(a:-1) **“Commissioner”** means a Commissioner for a Division appointed under the Maharashtra Land Revenue Code, 1966, and includes <sup>11</sup>[Deputy Commissioner (Supply)].

(b) **“Controller of Rationing”** in any area for which a Controller of Rationing has been appointed by Government means that officer <sup>4</sup>[—] Includes a Deputy or Assistant Controller of Rationing; officer <sup>4</sup>[\_ - -] includes a: Deputy or Assistant Controller of Rationing;



## The Maharashtra Kerosene Dealer Licensing Order, 1966

<sup>5</sup>[(C) “**Dealer**” means person engaged in the business ‘of purchase, sale or storage for sale of kerosene as a wholesaler, whether in conjunction with any other business or not, <sup>13</sup>[. . . . .] and an agent of an Oil Company, who has entered into an agreement with the company, to obtain and distribute kerosene] <sup>6</sup>[and includes a parallel marketer and engaged in the business of buying and selling kerosene;]

(d) “**Hawker**” means a person who carries kerosene from place to place <sup>12</sup>[or a place near the Fair Price Shop or at a place or places fixed by the Licensing Authority] for sale <sup>7</sup>[in small quantities not exceeding 10 liters per person at any one time;].

(e) “**Kerosene**” shall have the meaning assigned to it item

No.7 of the First Schedule to the Central Excise and Salt Act, 1944 (I of 1944) and shall not include Aviation Turbine Fuel <sup>8</sup>[but includes kerosene as defined in the Government of India, Ministry of Petroleum and Natural Gas, Notification G.S.R.584 (E), dated the 2<sup>nd</sup> September 1993.]

<sup>7</sup>[(f) “**Licensing Authority**” means the Controller of Rationing in the Rationing areas and the Food Distribution Officers in the areas mentioned in Schedule 1 of the Maharashtra Scheduled Food grains (Regulation of Distribution) Order, 1966 <sup>9</sup>[and elsewhere the Collector] or any officer appointed by the State Government to exercise the power and perform the duties of the licensing authority in any specified areas;]

<sup>8</sup>[(g) “**Parallel Marketer**” means any person, firm, company, institution, association of persons co-operative society or, organization, carrying on the business of importing, refining, producing, packing, marketing, distributing and selling kerosene under the parallel marketing system;

(g-i) “**Parallel Marketing System**” means the system other than the public distribution system under which a person imports, transports, packs, distributes or sells kerosene under his own arrangement;

Ct. .: 2 - Definitions.

(g-ii) “**Public Distribution System**” means the system of distribution, marketing or selling of kerosene at declared price through distribution system approved by the Central or State Government;

(g-iii) “**Storage Point**” means the premises approved or licensed by the Chief Controller of Explosives;

(g-iv) “**Transporter**” means a person authorized by the Government, Oil Company marketer or a distributor for transportation of kerosene;]



## **The Maharashtra Kerosene Dealer Licensing Order, 1966**

+ Proviso Added by Notification No; KER 1087/4307/CR-179/CS-27, dated 24th February 1994, is deleted by Notification No. KER. 1098/CR.-5784/CS-27 dated 30.09.1999.

### **4. Application for license.**

+[(1) Applications' for licenses for wholesale dealer and hawker, under the Public Distribution System, shall be made to the licensing authority in Forms 1 and 3, respectively, appended to the Schedule.

(2) Applications for licenses for dealer, and hawker, under the Parallel Marketing System, shall be made to the licensing authority in Forms 2 and 7, respectively, appended' to the Schedule.]

+ Sub clauses (1) and (2) substituted by Notification No. KER. 1098/CR-5784/CS-27 dated 30.09.1999.

### **5. Forms of Licenses.**

<sup>2</sup>[(1) The licenses for wholesale dealer and hawker. under the Public Distribution System, shall be issued in Forms 4 and 6, respectively, appended to the schedule.

(2) The License' for dealer and hawker, under the Parallel Marketing System,' shall be issued in Forms 5 and 8, : respectively, appended to the Schedule.]

Provided' that, license for a' dealer <sup>3</sup>[and hawker] under the parallel marketing system shall be granted ,by the licensing authority after. due' enquiry' within 30, days from the date of receipt of the application made in <sup>4</sup>[Forms 2 and 7] in the Schedule to this order. ]

1. Substituted Notification No. KER. 1087/4307/CR-179/CS-27., Dated 29<sup>th</sup> December 1993.

2. Sub-clauses (1) and (2) substituted by Notification No. KER 1098/CR-5784/CS-27 dated 30.09.1999.

3. Inserted, *ibid*.

4. Substituted for the words "Form I-A", *ibid*.

### **6. Security Deposit.**

Every person applying <sup>4</sup>[for a licence under Public Distribution System or. Parallel Marketing System] shall, before such license to him, deposit with the licensing authority

the following sum in security for the due performance of the terms and conditions be issued to him, namely :-

(i)	In the case of license of wholesale	<sup>5</sup> [Rs. 10,000]
(ii)	In the case of license for hawker	<sup>6</sup> [Rs. 2,000]

<sup>2</sup>[Provided that, in the case of a dealer <sup>3</sup>[and hawker] appoint the parallel marketing system no security deposit shall be recovered.]

1. Substituted by Notification No. KER 1087/4307/CI-179/CS-29 December 1993.
2. Added by Notification No. KER 1087/4307/CR-179/CS-27. Date 24 February 1994.
3. Inserted by Notification No. KER. 1098/CR-5784/CS-27 dated 30.09.1999
4. Substituted for the words “for a license” by Notification KER 1601/3992/CR 1961/CS-27 dated 1.1.2002 W.E.F. 1.1.2002
5. Substituted for the letters and figures “Rs.2000/-”, *ibid*.
6. Substituted for the letters and figures “Rs.200/-”, *ibid*.

#### **7. Period of License.**

<sup>1</sup>[(1) Every license granted under this order shall be valid for of five years from the date of issue of the license renewed for a period of five years, at a time, thereafter:

Provided that, no license shall be granted for any period the 31<sup>st</sup> December of the Fourth year next following the which the license is granted.]

<sup>2</sup>[(1-A)(a) Every licensee who desires to get his license renew apply for the renewal thereof before the date of e his license:

Provided that, where a licensee applies for the renewal license before the -31<sup>st</sup> January of the following year expiry of the validity period of the license, the application shall be accepted by the licensing authority.

- (b) No application for the renewal of a license shall thereafter be entertained by the licensing authority, unless the said. authority is satisfied that the application for the renewal could not he made in time, for valid and sufficient reasons.
- (c) Where it is found that a licensee is carrying on his business of selling kerosene without renewal of his license, within the prescribed time limit after the expiry of its validity subject to clause- 11 - of this order, be forfeited to the Government at the rate specified below namely :-

## The Maharashtra Kerosene Dealer Licensing Order, 1966

- (1) In case of hawkers, 50 paise per day,
- (2) In case of wholesale dealers. Rs. 5 per day.

Provided that, after: thirty days from the expiry of the prescribed time limit, if the dealer still carries on his business, the; remaining or the whole amount of the security deposit be forfeited to Government.]

1. Substituted vide G.O. No KER 1087/4307/CR-179/CS-27 Dated 29<sup>th</sup> December 1993.

### 7-A. License Fees.

The fees as specified below shall be chargeable in respect of each license, namely :-

		Rs
(i)	For issue of license to a wholesale dealer	[1000]
(ii)	For issue of a license to a hawker	[250]
(iii)	For renewal of a license to a wholesale dealer	[500]
(iv)	For renewal of license to a hawker	[125]

1. Substituted vide G.O. No. KER 1087/4307/CR-179/CS-27. Dated 29<sup>th</sup> December 1993.
2. Substituted for the letters and figures “Rs. 200” by Notification No. KER.1601/ 3992/ CR/1961/CS-27. dated 01.01.2002, w. e. f. 01.01.2002.
3. Substituted for the letters and figures “Rs. 50”, ibid.
4. Substituted for the letters and figures “Rs. 100”, ibid.
5. Substituted for the letters and figures “Rs, 50”, ibid.

### 8. Replacement of defaced, lost or destroyed licenses.

If a license issued under this order be defaced, lost or destroyed and application furnishing true and correct information in such form as may be required by the licensing authority may be made to him for obtaining a duplicate license. A fee of +[Rs. 10] in case of wholesaler and +[Rs.10] in case of hawker shall be payable along with such application and the licensing authority may, after making such inquiry as he may think fit, issue a duplicate license.

- + Substituted vide G.O. No. KER 1087/4307/CR-179/CS-27. Dated 29<sup>th</sup> December. 1993.

**9. Power to refuse license.**

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

**10. Provision for cancellation or suspension of license.**

No holder of a license or his agent or servant or any other person acting on his behalf shall contravene any of the terms or conditions of the license, and if such holder, agent, servant, or other person contravenes any of the said terms or conditions then, without prejudice to any other action that may be taken against him, his license may be cancelled or suspended by order in writing of the licensing authority:

Provided that, <sup>1</sup>[no order of the cancellation of a licence] shall be made under this clause unless the licensee has, been reasonable opportunity of stating his case against the proposed <sup>2</sup>[cancellation]

1. Substituted for the words “no order” by Notification No. KER. 1087/4307/CR-179/CS-27 dated 31.08.1 998.
2. Substituted for the words “cancellation or suspension”, *ibid.*

**11. Forfeiture of security deposit.**

- (1) Without prejudice to the provisions of clause 10, if the licensing authority is satisfied that the licensee has contravened any of the terms or conditions of the license and that a forfeiture of the security deposit is called for, he may, 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: Provided that, where a cancellation of the license is duly ordered by the licensing authority, the order of cancellation shall also be accompanied by an order forfeiting the entire deposit.
- (2) The Licensee shall, if the amount of security at any time, falls short of the amount specified in clause 6, forthwith deposit further security to make up that amount, on being required by the licensing authority to do so.
- (3) Upon due compliance by the licensee with all obligation under’ the license, the

## **The Maharashtra Kerosene Dealer Licensing Order, 1966**

amount of security or such part thereof, which is not forfeited, as aforesaid, shall be returned to the licensee after the termination of the license.

### **“[II-A. Action against with holding from sale or refusal to sell kerosene.**

The licensee shall not withhold from sale or refuse to sell the suppliers of kerosene ordinarily kept for sale. If he is found to contravene this provision, which is also included in the terms and conditions of his license, without prejudice to any other action that may be taken against him under section 7 of the Essential Commodities Act, 1955, the licensing Authority may take appropriate action against him under the provisions of clauses 10 and 11, which he thinks fit.]

**\* Inserted vide G.O. No. ECA - 9376/23790/XXIII. dated 18<sup>th</sup> August 1976**

### **12. Power of entry, search and seizure.**

(1) The licensing authority or any officer authorized by him in this behalf may, with a view to securing compliance with this order or to satisfying himself that this order has been complied with, and satisfying himself that this order has been complied with; and with such assistance, if any, as he thinks fit-

(a) enter, inspect or break down and search any' place or premises vehicle or vessel which he has reason to believe has been or is being used for the contravention of this order.

(b) search seize and remove stocks of kerosene and the animals 'vehicles, vessels or, other conveyances used to carrying kerosene in contravention of the provisions of this order and thereafter take or authorize the taking of all measures necessary for securing the production of the said stocks, and the animals, vehicles, vessels, or other conveyances so seized, in a court and for their safe custody , pending such production.

\*[(c) require the production of any document and take or cause to be taken extracts from or copies of such documents and take or cause to be taken weights or measures of the kerosene found in the premises and every person when so require by such officer authorized under sub-clause (1) shall allow access to premises, answer all questions to the best of his knowledge and belief, produce the documents in his possession and allow extracts of copies of such documents or weight or measure of kerosene found in premises to be taken.]

(2) The provisions of sections 102 and 103 of the Code of Criminal Procedure, '1898 (V of 1898); relating to search and seizure shall, so far as may be apply to searches and seizures under this order.

\* Inserted vide G.O. No. ECA - 9369/37878-F. dated 26<sup>th</sup> August 1970.

### 13. Power to grant exemptions.

The State Government may, if it is necessary in the public interest so to do, by order, exempt any person or class of persons from the operation of or all or any of the provisions of this order for such, period and subject to such conditions (if, any) as may be specified, and may at any time suspend or cancel such exemption.

### <sup>1</sup>[14. Appeal.

- (1) Any person aggrieved by any order of the licensing authority refusing to issue' or renew a license or cancelling or suspending a license or' forfeiting the security deposit deposited by him under the provisions of this order may appeal in the Bombay Rationing Area, to such officer (not below the rank of Deputy Secretary to, Government). in the Food and Civil Supplies Department of Government as may be, designated by Government for the purpose and elsewhere to the Commissioner of the Division.
- (2) Every such appeal shall be made within thirty days on the date of receipt of the order appealed against by the person appealing: Provided that, the appellate authority may admit an appeal after the expiry of the said period if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within the said period.
- (3) No Order shall be made by the appellate authority under this clause unless the aggrieved person has been given a reasonable opportunity of stating his case.
- (4) Pending the disposal of the appeal, the appellate authority may direct, that the order of the licensing authority shall not take effect until the appeal is disposed off.

### <sup>2</sup>[15. Review or revision.

- (1) (a) Government may, on an application made or *suo moto* at any time before the, expiry of two years from the date of any order passed by the licensing authority or any other competent authority under this Order, call for the records of the proceedings underlying such order for the purpose of satisfying itself as to the legality or propriety of such order or as to the regularity of such proceedings and if it shall appear to the State Government that such order or proceedings should be modified, annulled or confirmed, it may pass such order as it deems it: Provided that, no order shall be made under this clause unless the person who is likely to be aggrieved thereby has been given a reasonable opportunity of stating his case.



## The Maharashtra Kerosene Dealer Licensing Order, 1966

(b) Government may on application made or *sou motu* at any time before expiry if two years from the date of any order passed by it in revision under this clause may review such order if it is satisfied about the reasons to do so on any of , the following grounds,namely: -

(1) Discovery of new and important matter of evidence which after the exercise of due diligence, was not within the knowledge of the applicant or could not be produced by him at the time when the order was passed or order was made.

Or

(2) some mistake or error apparent on the face of the record.

Or

(3) for any other sufficient reason.

And upon such review if it shall appear to the State Government that such order should be modified, annulled or confirmed, it may pass such order it deem fit.

(c) Order passed in review shall on no account' be re- reviewed.]

(2) Pending the disposal of the review or revision proceedings under this clause, the State Government may direct that the order passed by the licensing authority or other competent authority shall not take effect until an order is passed by it. ]

1 CI. 14Substituted by Cls. 14 and 15 by Notification No. KER 1087/4307/CS (27-CR-179) dated 23<sup>rd</sup> January 1992 .

2 CI. 15(1) is renumbered as clause (1)(a) and sub-clauses (l)(b) and (l) (c) inserted by Notification no. ECA.1007/CR-229/CS-23. dated 04.07.2007.

## Schedule

\*[Form 1:

[See clause.4(1)]

Form of application for Dealer/Wholesale Licence for purchase, sale and storage for sale of kerosene under Public Distribution System.

1.	Applicant's name and residential Address. :	
2.	Date of Birth and Age of the Applicant. :	
3.	Whether applicant is wholesale dealer, retail dealer or howker.:	
4.	Area of business.	
5.	Whether applicant is an Agent/Dealer or Sub agent of any Oil Company and if so, name of the company and the date of Appointment,	
6.	How long has the applicant been trading in kerosene.	
7.	Quantities of kerosene in litres handled by the applicant monthly during the last three years.	
8.	Average quantity of kerosene likely to be handled by the applicant monthly during the current year.	
9.	Whether the applicant has been convicted in a Court of Law or found guilty in any Departmental Inquiry regarding any breach of this Order or any other Control Order, if so, give details.	
10.	Whether the applicant has obtained a Municipal Licence for storage and sale of kerosene If so, please state Municipal Licence number and date.	

Licence number and date.

\*I have not previously applied for such licence.

\*I have applied for such licence on ..... and was not granted a licence on .....19

I have carefully read the conditions of the licence in Form 2 in the Schedule to the Maharashtra Kerosene Dealers' Licensing Order, 1966 and I agree to abide by them.

I declare that the information furnished above is correct.

Date:

Place:

Name and Signature of Applicant.

# The Maharashtra Kerosene Dealer Licensing Order, 1966

\*Strike out the clause which is not applicable.

## Form 2

[See Clause 4 (2)]

form of application for a Dealer Licence for purchase, sale and storage for sale of kerosene under Parallel Marketing System.

1.	Applicant's name and residential Address. :	
2.	Date of Birth and Age of the Applicant. :	
3.	Whether applicant himself or any of the member of applicant's family holds valid licence for kerosene and whether he himself or any member of his family is any way connected with kerosene business under Public Distribution System. :	
4.	Whether the applicant is himself a Parallel Marketeer or a dealer appointed by a parallel marketer.	
5.	Area/Place of business.	
6.	Whether applicant is an Agent or Sub agent of any Oil Company if so, name of the company and the date of Appointment as Dealer/Agent.	
7.	How long has the applicant been trading in kerosene.	
8.	Quantities of kerosene in litres handled by the applicant monthly during the last three years.	
9.	Average quantity of kerosene likely to be handled by the applicant monthly during the current year.	
10.	Whether the applicant has been convicted in a Court of Law or found guilty in any Departmental Inquiry regarding any breach of this Order or any other Control Order, if so, give details.	
11.	Whether the applicant has obtained a Municipal Licence for storage and sale of kerosene If so, please state Municipal Licence number and date.	

\*I have not previously applied for such licence.

\*I have applied for such licence on .....199 and was not granted a licence on .....

I have carefully read the conditions of the licence in Form 6 in the Schedule to the Maharashtra Kerosene Dealers' Licensing Order, 1966 and I agree to abide by them.

I declare that the information furnished above is correct.

Date:

Place:

Name and Signature of Applicant

\*Strike out the clause which is not applicable.

## Form 3

[See clause.4(1)]

Form of application for Hawker Licence for purchase, and storage and sale of kerosene under Public Distribution System.

1.	Applicant's name and residential Address. :	
2.	Date of Birth and Age of the Applicant. :	
3.	Whether applicant himself or any of the member of applicant's family holds valid licence for kerosene and whether he himself or any member of his family is any way connected with kerosene business under Parallel Marketing System. :	
4.	Area/Place of business.	
5.	Whether applicant is an Agent or Sub agent of any Oil Company.	
6.	How long has the applicant been trading in kerosene.	
7.	Quantities of kerosene in liters handled by the applicant monthly during the last three years.	
8.	Average quantity of kerosene likely to be handled by the applicant monthly, during the current year.	
9.	Whether the applicant has been convicted in a Court of Law or found guilty in any Departmental Inquiry regarding any breach of this Order, or any other Control Order, if so, give details.	
10.	Whether the applicant has obtained a Municipal Licence for storage and sale of kerosene. If so, please state Municipal Licence number and date.	

\*I have not previously applied for such licence.

\*I have applied for such licence on .....199 and was not granted a licence on .....199

I have carefully read the conditions of the licence in Form 4 in the Schedule to the Maharashtra Kerosene Dealers' Licensing Order, 1966 and I agree to abide by them.

I declare that the information furnished above is correct.

Date:

Place:

Name and Signature of Applicant.

\*Strike out the clause which is not applicable. \_.

**The Maharashtra Kerosene Dealer Licensing Order, 1966**

Form 4

[See Clause 5 (1)]

Wholesale Dealer licence for purchase, sale, and storage of kerosene under  
Public Distribution System.

Licence No. ....

Subject to the provisions of the Maharashtra Kerosene Dealers' Licensing Order, 1966,  
and to the terms and conditions of this licence.....is/are hereby authorized to  
purchase, sell and store for sale of kerosene.

2. The licensee shall carry on the aforesaid business within the area of .....
3. The licensee shall not withhold from sale supplies of kerosene ordinarily kept  
for sale and shall not sell kerosene at prices exceeding the maximum prices prescribed  
by Government and shall prominently display a notice stating these maximum prices.
4. The licensee shall maintain true and proper accounts of all purchases and sales of  
kerosene and issue cash memo to customers purchasing quantity of kerosene of and  
above 100 liters, in such form as may be specified by the licensing authority.
5. The licensee shall give all facilities at all reasonable times to the licensing  
authority or any officer authorized by him for inspection of his stocks and accounts  
of kerosene and produce the licence for inspection on demand.
6. The licensee shall comply with any directions that may be issued to him by the  
State Government or by the licensing authority or by any officer authorized by the  
licensing authority in this behalf, in regard to the methods of collection, delivery,  
transport, sale or storage of kerosene and the hours of sale of any other matter  
relating to kerosene, which the State Government or licensing authority or such  
officer may think fit to regulate.
7. This licence shall be valid upto.....199 and shall  
be renewed before 31 st January of the year following.

Place:

Dated the .....day of ..... 199

(.....)  
Licensing Authority  
..... Area.

Form 5

[See Clause 5 (2)]

Dealers Licence for purchase, sale, and storage of kerosene under Parallel Marketing System.

Licence No. ....

Subject to the provisions of the Maharashtra Kerosene Dealers' Licensing Order,1966,and the terms and conditions of this licence .....is/are hereby authorized to purchase, sell and store for sale of kerosene under the Parallel Marketing System.

- 2. The licensee shall carry on the aforesaid business within the Area of at.....
- 3. The licensee shall not withhold from sale supplies of kerosene ordinarily kept for sale.
- 4. The licensee shall maintain true and proper accounts of all purchases and sales of kerosene and issue cash memo to customers purchasing kerosene.
- 5. The licensee shall give all facilities. at all reasonable times to the licensing authority or any officer authorized by him for inspection of his stocks and accounts of kerosene and produce the licence for inspection on demand.
- 6. The licensee shall comply with any directions that may be issued to him by the State Government or by the licensing authority or by any officer authorized by the licensing .authority in this behalf, in regard to the methods of collection, delivery, transport, sale or storage of kerosene and the hours of sale of any other matter relating to kerosene, which the State Government or licensing' authority or such officer may think fit to regulate.
- 7. This licence shall be valid upto.....199 and shall be renewed before 31 st January of the year following.

Place:

Dated the .....day of ..... 199

(.....)  
Licensing Authority  
.....Area.

**The Maharashtra Kerosene Dealer Licensing Order, 1966**

**Form 6**

*[See Clause 5 (1)]*

Hawker's licence for purchase and sale of kerosene under  
Public Distribution System.

Licence No. ....

Subject to the provisions of the Maharashtra Kerosene Dealers' Licensing Order, 1966, and to the terms and conditions of this licence ..... is/are hereby authorized to sell and kerosene as a hawker under the Public Distribution System.

2. The Licensee shall not withhold from sale supplies of kerosene ordinarily kept for sale and shall not sell kerosene at prices exceeding the maximum prices prescribed by Government and shall prominently display a notice at place of sale stating such-maximum prices or show it to any customer on demand.
3. The licensee shall carry on the aforesaid business at such place or places or in such area as may be directed from time to time by the licensing authority.
4. The licensee shall give all facilities at an reasonable times to the licensing authority or any officer authorized by him for inspection of his stocks and accounts of kerosene.
5. The licensee shall comply with any directions that may be issued to him by the State Government or by the licensing authority or by any officer authorized by the licensing authority in this behalf, in regard to the method of collection, delivery, transport, or sale of kerosene and the hours and place of sale or any other matter relating to kerosene, which the State Government or licensing authority or such officer may think fit-to regulate.
6. The licensee shall with him the licence and produce it for inspection on demand by the licensing authority or an officer authorized by the licensing authority.
7. This licence shall be valid upto.....199 and shall be renewed before 31 st January of the year following.

Place:

Dated the .....day of ..... 199

(.....)  
Licensing Authority  
.....Area.

## Form 7

[See clause.4(2)]

Form of application for a Hawker Licence for purchase, sale of kerosene under Parallel Marketing System.

1.	Applicant's name and residential Address. :	
2.	Date of Birth and Age of the Applicant. :	
3.	Whether applicant himself or any of the member of applicant's family holds valid licence for kerosene and whether he himself or any member of his family is any way connected with kerosene business under Public Distribution System. :	
4.	Whether the applicant is hawker appointed by a Parallel Marketeer, Name of the Parallel Marketeer and Date of appointment	
5.	Area/Place of business.	
6.	How long has the applicant been trading in kerosene.	
7.	Quantities of kerosene in liters handled by the applicant monthly during the last three years.	
8.	Average quantity of kerosene likely to be handled by the applicant monthly, during the current year.	
9.	Whether the applicant has been convicted in a Court of Law or found guilty in any Departmental Inquiry regarding any breach of this Order, or any other Control Order, if so, give details.	
10.	Whether the applicant has obtained a Municipal Licence for storage and sale of kerosene. If so, please state Municipal Licence number and date.	

\*I have not previously applied for such licence.

\*I have applied for such licence on .....199 and was not granted a licence on .....199

I have carefully read the conditions of the licence in Form 8 in the Schedule to the Maharashtra Kerosene Dealers' Licensing Order, 1966 and I agree to abide by them.

I declare that the information furnished above is correct.

Date:

Place:

Name and Signature of Applicant.

\*Strike out the clause which is not applicable. \_



**The Maharashtra Kerosene Dealer Licensing Order, 1966**

Form 8

[See Clause 5 (2)]

Hawker's licence for purchase sale of kerosene under  
Parallel Marketing System.

Licence No. ....

Subject to the provisions of the Maharashtra Kerosene Dealers' Licensing Order, 1966,  
and to the terms and conditions of this licence .....is/are hereby  
authorized to purchase and sell of kerosene under the Parallel Marketing System.

2. The licensee shall carry on the aforesaid business in the area of at.....
3. The licensee shall not withhold from sale supplies of kerosene ordinarily kept for sale.
4. The licensee shall maintain true and proper accounts of all purchases and sales of kerosene and issue cash memo to customers purchasing kerosene.
5. The licensee shall give all facilities. at all reasonable times to the licensing authority or any officer authorized by him for inspection of his stocks and accounts of kerosene and produce the licence for inspection on demand.
6. The licensee shall comply with any directions that may be issued to him by the State Government or by the licensing authority or by any officer authorized by the licensing authority in this behalf, in regard to the methods of collection, delivery, transport, sale or storage of kerosene and the hours of sale of any other matter relating to kerosene, which the State Government or licensing authority or such officer may think fit to regulate.
7. This licence shall be valid upto.....199 and shall be renewed before 31 st January of the year following.

Place:

Dated the .....day of ..... 199

(.....)  
Licensing Authority  
..... Area.

- Forms Substituted by Notification No. KER.1098/CR-5784/CS-27, dated 30.09.1999.

## PULSES, EDIBLE OILSEEDS AND EDIBLE OILS (STORAGE CONTROL) ORDER, 1977.

(As amended upto 1.4.82)

**S.O. 780 (E)** - Whereas the Central Government is of opinion that it is necessary and expedient to do for maintaining supplies and for securing equitable distribution and availability at fair prices, of pulses, edible oilseeds and edible oils.

Now, therefore, in exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955) the Central Government hereby makes the Following Order, namely:-

### 1. Short title, extent and commencement-

- (1) This order may be selected the Pulses, Edible Oilseeds and Edible Oils (Storage control) Order, 1977.
- (2) It extends to the whole of India.
- (3) Clauses 3 and 5 of this shall come into force on the 1<sup>st</sup> day of December 1977 and the remaining provisions of this Order shall come into force at once.

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

- (a) **“bulk consumer”** means a hotel, a restaurant, halwai, an educational institution with hostel facilities, a hospital or a religious or charitable institution,] Substituted by S.O. 536 (E) dated 20.9.79.
- (b) **“Category A City”** means a City included as a Category A City in the Schedule to this Order, having a population of 10 lakh and more.
- (c) **“Category B City”** means a City, included as a Category B City in the Schedule to this Order, having a Population of 3 lakhs, and more but less than 10 lakhs, or the capital of State or a Union territory not included in Category A city;
- (d) **“Category C City”** means a commission agent having the customary course of business as such agent authority either to sell goods, or to consign goods for the purpose of sale or to buy goods;
- (f) **“dealer”** means a person engaged in the business purchase, sale or storage for sale of any pulses, edible Oilseeds or edible oils, whether or not in conjunction with any other business and includes his representative or agent;
- (g) **“edible oils”** means any oil used for cooking for human consumption and includes hydrogenated vegetable oils.

## 5 Pulses, Edible, Oils Seeds & Edible Oils (Storage Control ) Order, 1977

- (h) **“population”** means populations, as ascertained at the 1981 (Provisional) Census;
- (i) **“primary mandi”** in relation to pulses and edible Oilseeds means a mandi where the farmers initially sell their produce;
- (j) **“producer”** means a person carrying on the business of milling any of the pulses or expelling extracting, or [manufacturing or refining] any edible oil;
- (i) by buying pulses or edible oil seeds for being processed by himself and selling the finished products through a whole seller or through a commission agent; or
- (ii) by doing any of the processes of milling extracting, [manufacturing or
- (iii) refining] on behalf of another.]
1. Substituted vide Notification No. S.O. 10(E) dated 7.1.82.
  2. Substituted vide Notification No. 64 (E) date 4.2.1978 and amended vide S.O. 536[E] dated 20.9.1979.
- (k) **“Pulses”** means Urd, Moong, Arhar, Masoor, Lobia, Rajmaha, Gram including peas or any other Dal whether whole or split with or without husk;
- (l) **“retailer”** means a dealer, in pulses or in edible oilseeds or in edible oils, who in not a wholesaler;
- (m) **“State Order”** means any Order issued by any State Government or a Union Territory Administration under the provisions of the Essential Commodities Act, 1955 (10 of 1955), and for the time being in force.
- (n) **“wholesaler”** means a dealer in pulses or in edible oilseeds or in edible oils who sell such commodities of other dealers or to bulk consumers.
3. **Licensing of dealers** – Notwithstanding anything contained in State Order, after the expiration of a period of fifteen days in the coming into force of this clause, no person shall carry business as a dealer in pulses or in edible oilseeds or in the oils except under and in accordance with the terms and conditions of licence granted under a State Order if the stocks pulses or edible oilseeds or edible oils in his possession except the quantities specified below:-

(i) Pulses	10 quintals for all pulses taken together.
(ii) Edible Oils included hydrogenated vegetable oils	5 quintals for all edible oils including hydrogenated vegetable oils taken together.
(iii) Edible Oilseeds including ground nut in shell	30 quintals of all edible oilseeds.

**4. Restriction on possession on pulses, edible oilseeds and edible oils –**

(1) No dealer shall, after a period of fifteen days from the coming into force of this clause, either by himself or by any person on his behalf, store or have in his possession at any time pulses, edible oilseeds or edible oils in excess of the quantities specified below:-

Category of cities	Stock limits in Remarks Quintals on the Case of wholesaler			Retailer
(i) Pulses	Category 'A' Cities	1000	50	All pulse taken together
	Category 'B' Cities	750	40	
	Category 'C' Cities	500	30	
(ii) Edible Oil	Category 'A' Cities	1500	100	All edible oil seeds taken together
	Category 'B' Cities	1000	75	
	Category 'C' Cities	500	50	
2. For	groundnut kernel or ... 75% of the limits special shall apply.			
(iii) Edible oils	Category 'A' Cities		800	All edible including Vegetable oil
	Category 'B' Cities	600	15	
	Category 'C' Cities	350	10	

[Provided that the stock limits specified for a wholesaler Category 'A' Cities shall apply to a wholesaler in such primary mandis situated in other categories of Cities as the State Government may, having regard to the location of such mandis or other relevant factors, from time to time, specify.

Provided further that where a dealer is also carrying on Business as a producer or commission agent, he shall be entitled to retain the stock limits specified in this sub-clause for each such business if such business and accounts thereof are kept separate and distinct from one another;

**5 Pulses, Edible, Oils Seeds & Edible Oils (Storage Control ) Order, 1977**

**Provided also that no producer specified in column**

- (1) of the table below shall store or have in his possession at any time unmilled pulses or [edible oilseeds], as the case may be in excess of the quantity specified in the corresponding entry in column
- (2) of the said Table, and he shall not hold the finished stock in excess of the quantity specified in the corresponding entry in column
- (3) of the said table;
- (4) Substituted vide S.O. 536[E] dated 20.9.1979. The Second third and four proviso were substituted vide S.O. 64[E] dated 4.2.78. The fourth proviso was further amended by S.O. 409[E] dated 26.6.78.

<b>Producer</b>	<b>Quantity of unmilled</b>	<b>Pulses or (edible oil seeds)</b>		<b>Quantity of finished stocks namely pulses</b>
<b>(1)</b>		<b>(2)</b>		<b>(3)</b>
	<b>(a)</b>	<b>(b)</b>	<b>(a)</b>	<b>(b)</b>
	Producer who is carrying on business on the commencement of this order.	Producer who has commenced production after the commencement of this Order.	Producer who is carrying on business on the commencement of this Order.	Producer who has commencement production after the commencement of this Order.
1. Producer of pulses	One-twelfth of the maximum quantity of pulses used by him in any of the three years ending on the 31 <sup>st</sup> October 1977.	For a period of one year from the date of commencement of his production, one-twelfth of the quantity of pulses that would be required for producing a quantity equal to his annual installed capacity. (For the second year and third year of his production, one-twelfth of the quantity of pulses that would be required for producing a quantity equal to his annual installed capacity and thereafter one-twelfth of maximum of pulses used by him in any of the three years immediately after commencement of his production).	One-twenty fourth of his maximum production if any, of the three years ending on the 31 <sup>st</sup> day of October, 1977.	For a period of one year for the date of commencement of his production, one twenty fourth of the quantity equal his annual installed capacity (For the second year and the year of his production, ½ 4 <sup>th</sup> the quantity of pulses that ...be required for producing a quantity equal to his annual installment capacity and there after twenty-fourth of the maximum quantity of pulses used by ...any of the three years ...diately after the commencement of his production)

5. Substituted vide S.O. 536[E] dated 20.9.79.

6. Inserted vide Notification No.S.O. 10[E] dated 7.1.1982.

2. Producer of Edible oils)	One eighth of the maximum quantity of edible oil-seeds by him in any used of the three years ending on the 31 <sup>st</sup> day of October, 1977.	For a period of one year from the date of commencement of his production, one-eighth of the quantity of edible oilseeds that would be required for producing the quantity equal to his annual installed capacity and thereafter one-eighth of the maximum quantity of edible oilseeds used by him in any of the three years immediately after the commencement of his production)	One-twelfth of his maximum production in any of the three years ending on the 31 <sup>st</sup> day of October, 1977.	For a period of one year from the date of commencement of his production, one-twelfth of a quantity equal to his annual installed capacity. (For the second year and third year of his production 1/12 <sup>th</sup> of the quantity of edible oil-seeds that would be required for producing a quantity equal to his annual installed capacity and thereafter 1/12 <sup>th</sup> of the maximum of his production in any of the three years Immediately after the commencement of his production)
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3(...) 9

8. Amended vide S.O. 64 (E) Dated 4.2.1978 and S.O. 536(E) Dated 20.9.1979.
9. Inserted vide Notification No.S.O. 10(E) Date 7.1.1982.
10. Item 3 was inserted vide S.O. 64 (E) Dated 4.2.1978 and Deleted vide S.O. 536(E) Dated 20.9.1979.

Provided also that where any quantity of pulses edible oil-seeds or edible seeds is in transit then for the purposes of this sub clause such quantity shall not during the period when such a quantity is in transit be deemed to have been included in the stocks of the dealer in whom the property in such quantity is retained during such transit in accordance with the terms of any contract or agreement in pursuance of which the quantity is put in such transit.

## 5 Pulses, Edible, Oils Seeds & Edible Oils (Storage Control ) Order, 1977

[Provided also that nothing in his clause shall apply to A commission agent who does not retain any consignment of Pulses or edible oilseeds received by him for a period exceeding Days from the date of its report]

- (2) Every dealer referred to in sub-clause (1) shall, immediately on the expiry of the period specified in that sub-clause, give intimation to the Collector regarding the stocks of any pulses, edible oilseeds or edible oils left with him or any other person on his behalf in excess of the stocks prescribed in sub-clause (1) and such stocks shall not be disposed of by the dealer or other person except in accordance with the directions of the Collector.
- 5. Returns** – Every dealer referred to in clause 3 and every Producer who holds in excess of the stocks limits of pulses or edible oilseeds or edible oils specified for a retailer in clause shall furnish a fortnightly return to such authority and in such manner as may be specified by the State Governments in this behalf by notification in the Official Gazette in respect or such stock of pulses edible oilseeds and edible oils held by him.
- 6. State Orders to apply**–The provisions of the State orders Relating to storage of pulses, edible oilseeds or edible oils shall apply in respect of any matter for which no provision has been specially made in this order.
- 7. ORDER not to apply in certain cases, -** Nothing in this Order shall apply –
- (i) to a Corporation or company owned or controlled by the Central Government or a State Government; or
- (ii) to any Central level or State level co-operative society, engaged in the production, procurement, sales, purchase distribution of pulses edible oilseeds and edible oilseeds and edible oils.

Substituted by S.O. 536 (E) dated 20.9.1979.

- [7A Power to exempt** : The State Government may if it considers it necessary for avoiding any hardship or for any other just and sufficient reason. By notification in the Official Gazette exempt any producer, dealer or commission agent from the operation of all or any of the provisions of this Order, either generally or for any specified period, subject to such conditions as may be specified in the notification.

Provided that no notification under this clause shall be Issued except with the previous approval of the Central Government].

- [7B. Power to fix lower stock limits** – The State Government may, if it considers necessary for just an sufficient reasons by notification in the Official Gazette, fix and stock limit within the maximum limits specified in clause 4, either generally or for specified period, subject to such conditions as may be specified in notification.

Provided that no notification under this clause shall be Issued except with the previous approval of the Central Government].

- 8. Repeal and saving**—The pulses and Edible Oils (Storage Control) Order, 1977, 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, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid.
- (d) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said order; or

11. Inserted vide Notification No.64(E) dated 4.2.1978.

12. Inserted vide S.O. 536 (E) dated 20.9.1979.

- (e) 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, of punishment, may be imposed as if the said Order had not been repealed.

### SCHEDULE

(See Clause 2(b) and (c))

Category 'A' Cities (having a population 10,00,000 and above)

Categories 'B' cities (having a of population of 3,00,000 and more but less than 10,00,000 and Capital cities of State and Union Territories other than Category 'A' cities).

1. Calcutta

1. Coimbatore



## 5 Pulses, Edible, Oils Seeds & Edible Oils (Storage Control ) Order, 1977

- |                   |                      |
|-------------------|----------------------|
| 2. Greater Bombay | 2. Madurai           |
| 3. Delhi          | 3. Agra              |
| 4. Hyderabad      | 4. Varanasi          |
| 5. Madras         | 5. Indore            |
| 6. Bangalore      | 6. Jabalpur          |
| 7. Ahmedabad      | 7. Allahabad         |
| 8. Kanpur         | 8. Surat             |
| 9. Poona          | 9. Vadodara          |
| 10. Nagpur        | 10. Tiruchirapalli   |
| 11. Lucknow       | 11. Amritsar         |
| 12. Jaipur        | 12. Jamshedpur       |
|                   | 13. Cochin           |
|                   | 14. Dhanbad          |
|                   | 15. Salem            |
|                   | 16. Gwalior          |
|                   | 17. Ludhiana         |
|                   | 18. Sholapur         |
|                   | 19. Ulhasnagar       |
|                   | 20. Hubli-Dharwar    |
|                   | 21. Meerut           |
|                   | 22. Visakhapatnam    |
|                   | 23. Mysore           |
|                   | 24. Vijayawada       |
|                   | 25. Calicut          |
|                   | 26. Bareilly         |
|                   | 27. Jodhpur          |
|                   | 28. Rajkot           |
|                   | 29. Ranchi           |
|                   | 30 Durg-Bhilai Nagar |
|                   | 31. Nasik            |
|                   | 32. Jullundur        |

33. Jhane
34. Ajmer
35. Guntur
36. Asansol
37. Kolhapur
38. Morabad
39. Kota
40. Raipur
41. Warangal
42. Faridabad Complex
43. Cuttack
44. Tirunelveli
45. Rourkela
46. Aligarh
47. Jamnagar
48. Aurangabad
49. Bhavnagar
50. Gorakhpur
51. Durgapur
52. Mangalore
53. Belgaum
54. The Capital cities of  
States and Union  
Territories, other than  
Category 'A' cities.



**THE MAHARASHTRA SCHEDULED COMMODITIES RETAIL  
DEALERS' LICENSING ORDER, 1979.**

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**Food And Civil Supplies Department**

Mantralaya Annexe, Bombay-4000032,

**Dated 26<sup>th</sup> December 1979.**

**Order**

Essential Commodities Act, 1955.

**No. ECA-2579/42/(458)/XXIII,-** In exercise of the powers conferred by clauses (c), (d), (e), (h), (i), (ii) and (j) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Government of India, Ministry of Industries and Civil Supplies (Department of Civil Supplies and Co-operation) Order No. S.O. 681 (E), dated the 30<sup>th</sup> November 1974 and Order No. S. O. 682 (E), dated the 30 November 1974 and the Government of India, Ministry of Agriculture and Irrigation (Department of food ) Order No. G.S.R. 800, dated the 9<sup>th</sup> June 1978, and of all other powers enabling it in this behalf, the Government of Maharashtra, with prior concurrence of the Central Government, hereby makes the following Order, namely-

**1. Short title, extent and commencement.**

- (1) This Order may be called the Maharashtra Scheduled Commodities Retail Dealers' Licensing Order 1979.
- (2) It extends to the whole of the State of Maharashtra.
- (3) It shall come into force on the 1<sup>st</sup> day of January 1980.

**2. Definition.**

In this Order, unless the context otherwise requires-

(a) **“Bombay Rationing Area”** means the area specified in Schedule I;

(b) **“Commencement date”** means the date of commencement of this Order;

<sup>1</sup>[(b-I) **“Commissioner”** means a Commissioner for a Division appointed under the Maharashtra Land Revenue Code, 1966 and include <sup>6</sup>[a Deputy Commissioner (Supply).]

<sup>2</sup>[(b-II) **“Corporation Area”** means the area as specified in Schedule III of the Order.]

## The Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979

<sup>7</sup>[(C) **“Edible oilseeds”** - - - - - : ]

(d) **“Existing License”** means a license issued under the Maharashtra Foodgrains Dealers' Licensing Order, 1963, the Maharashtra Sugar Dealers' Licensing Order, 1963, the Maharashtra Gurand Khandsari Dealers' Licensing Order, 1963, the Maharashtra Kerosene Dealers' Licensing Order, 1966, The Maharashtra Hydrogenated Vegetable Oils Dealers' Licensing Order, 1970, the Maharashtra Scheduled Oilseeds and Oils (Dealers and Millers) Licensing Order, 1977 or the Maharashtra Pulses (Dealers and Millers) Licensing Order; 1977, and in force on the commencement date;

(e) **“Form”** means a Form appended to this Order;

(f) **“Government”** means the Government of Maharashtra;

(g) **“License”** means a license granted under this Order;

(h) **“Licensee”** means a person holding a license;

(i) **“Licensing Authority”** in relation to any area forming part of the Bombay Rationing Area, means any officer not below the rank of Assistant Controller of Rationing who may be appointed to be a licensing authority for that area by the Controller of Rationing and in relation to any other area means the Tahsildar having jurisdiction over that area or any other officer not below the rank of Tahsildar who may be appointed by Government to be a licensing authority for that area;

(G) **“Retail dealer”** means.-

<sup>3</sup>[(i) in relation to kerosene, a person who carries on the business of selling kerosene, and sells it at the retail rates fixed by Government, <sup>4</sup>[and includes a commission agent who holds the stock of kerosene at anyone time in the conduct of his business.]

(k) **“Schedule”** means a Schedule appended to this Order;

(l) **“Scheduled Commodity”** means any of the commodities specified in Schedule II;

<sup>9</sup>[(l-1) **“Self Help Group”** means an organized group of persons recognized by any department of the State of Maharashtra or its undertakings and shall also include such organized group as may be declared by the Government from time to time;]

- (m) the expression <sup>8</sup>[“ - - - - -”] <sup>5</sup>[“ - - - - -”] kerosene”, <sup>5</sup>[“ - - - - -”], <sup>5</sup>[“ . - - - - ”] <sup>8</sup>[“ - - - - - ”], shall have the meanings respectively assigned to them in Schedule II.1. Inserted Vide G.O. No. ECA-2581/893 (1092)-XXIII, dated the 7<sup>th</sup> November 1981.
2. Inserted vide G. O. No.MISC-2391/2206/(4255)/XXIII, dated 20<sup>th</sup> September 1993.
  3. Sub-clauses (i), (ii), (v) add (vii) deleted and remaining sub-clauses renumbered accordingly by Notification No. ECA. 1003/598/CR-178/CS-23, dated 04.08.2003. Thereafter, renumbered sub-clauses (i and (iii) deleted and remaining clause is renumbered as sub-clause (i) by Notification No. ECA. 1003/938/CR-253/CS-23 dated 03.02.2004.
  4. Inserted vide Govt. Order No. ECA-2580/81(A)/(864)/XXIII, dated 28 January 1986.
  5. The words “gur”, “khandsari”, and “pulses and” deleted by Notification No. ECA. 1003/938/CR-253/CS-23 dated 03.02.2004.
  6. Substituted for the words “an Additional Commissioner” by Notification No. ECA.1095/CR-6424/CS-23, dated 11.01.1996.
  7. Sub-clause (c) deleted by Notification No. ECA. 1003/598/CR-178/CS-23, dated 04.08.2003.
  8. The words “edible oils”, “foodgrains” and “sugar” deleted, ibid.
  9. Inserted by Notification No. ECA. 1006/CR-45/CS-23, dated 06.02.2006.

### 3. Licensing of retail dealers.

No person shall carry on business as a retail dealer in anyone or more of the scheduled commodities except in accordance with terms and conditions of a license under this Order;

- (a) Provided that a person holding an existing license for carrying on business as a retail dealer in any of the schedule commodities may continue to do so without a license till the expiry of ninety days from the commencement date;
- (b) a person who commences to carry on business as a retail dealer in any of the scheduled commodities at any time after the commencement date may continue to do so without a license till the expiry of ninety days from the date on which he commences to carry on business;

## The Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979

- (c) a person referred to in clause (a) or (b) who applies for a license before the expiry of the period referred to in clause (a) or (b), as the case may be, or a licensee who applies for the renewal of his license in accordance with provisions of clause 6 may, till his application is rejected, continue to carry on business as a retail dealer without a license in the scheduled commodity in respect of which he has applied for a license or for the renewal thereof.

### 4. Issue of License.

- (1) Every application for a license shall be made to the licensing authority in Form A. Every each application shall be accompanied by a fee of <sup>1</sup>[Rupees five hundred in relation to Kerosene and Rupees two hundred in relation to Scheduled Commodities.]
- (2) Every license shall be issued in Form 'B' and shall be subject to the conditions specified therein:

<sup>2</sup>[Provided that in relation to Kerosene, notwithstanding anything contained in that Order the Collector shall, as per the directions issued in this regard by the State Government from time to time, issue as a retail dealer to Self Help Group to obtain and supply Kerosene in the notified area under his jurisdiction:

Provided further that, in relation to Kerosene, in the event issue of licence to self Help Group, the corresponding existing licence shall stands cancelled from the date of issue of the licence to Self Help Group.]

1. Substituted by Notification No. ECA. 1701/1604/CR-8627/CS-23, dated 2<sup>nd</sup> January 2002, w. e. f. 01.01.2002.
2. Provision inserted by Notification No. ECA. 1006/CR-45/CS-23, dated 06.02.2006.

#### <sup>1</sup>[4-A. Restriction as to holding of stock in respect of Wheat.

Notwithstanding anything contained in this Order, after expiration of period of ten days from coming into force of this Order, no licensed Retail dealer under this Order shall hold at any time stock of Wheat exceeding

<sup>2</sup>[two hundred quintals in Corporation areas and hundred quintals in other areas] in the aggregate at anyone time and sell them to any person for consumption and not for re-sale and includes a commission agent who holds such stocks of foodgrains at anyone time in the conduct of his business: Provided that the State Government shall be competent to grant

exemption from stock holding limitation to cooperative societies dealing in foodgrains.]

1. Inserted by Notification No. RDL. 1894/3227/(6126)/XXIII, dated 16.10.1998.

However, this CI. 4-A is deleted by Notification No. RDL. 2594/3227/(6126)/CS-23, dated 04.03.1999. But CI. 4-A is shown amended by Notification No. ECA.1008/573/CR-277/CS-23, dated 05.06.2008 and addition of CI. 4-A is not seen in MGG, after reasonable search, after its deletion by amendment dated 4.3.1999. Hence, amended CI. 4-A is reproduced. Readers to note.

2. The words “one hundred fifty quintals in Mumbai-Thane Rationing Area and hundred quintals in Corporation Area and fifty quintals in other areas” substituted by Notification No. ECA. 1008/573/CR-277/CS-23, dated 05.06.2008.

**+(4-B. Restriction as to holding of stock in respect of rice.**

Notwithstanding anything contained in this Order, no licensed retail dealer under this order shall hold at any time rice stocks. (husked or otherwise) exceeding two hundred quintals in Municipal Corporation areas and one hundred quintals in other areas of the State.]

+Inserted by Notification No. ECA.1008/573/CR-277/CS-23, dated 05.06.2008.

**\* [5. Period of License.**

- (1) Every license granted under this Order shall be valid for a period of five years from the date of issue of the license and shall thereafter be renewed for a period of five years, at a time;

Provided that, no license shall be granted for any period beyond the 31<sup>st</sup> December of the fourth year next following the year in which the license is granted.]

**Substituted vide G.O. No. RDL-1890/2633/(3916)/XXIII, dated 29<sup>th</sup> December 1993.**

**<sup>1</sup>[6. Renewal of License.**

- (1) Every licensee desiring to get his license renewed shall before the date of expiry of the license apply for the renewal to the licensing authority in Form A-I, Each such application shall be accompanied by a fee of <sup>2</sup>[rupees two hundred fifty in relation to Kerosene and rupees one hundred in relation to other scheduled commodities]:



## **The Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979**

Provided that, where a licensee applies for the renewal of his license before the 31<sup>st</sup> January of the next following year after the expiry of the validity period of the license, the application shall be accepted by the licensing authority.

(2) No application for the renewal made thereafter shall be entertained by the licensing authority, unless the licensing authority is satisfied that the applicant could not apply for the renewal of the license in time for valid and sufficient reasons.]

**1. Inserted vide G.O. No. RDL-1890/2633/(3916)/XXIII, dated 29<sup>th</sup> December 1993.**

**2. Substituted by Notification No. ECA.1701/1604/CR-8627/CS-23, dated 2.1.2002, w. e. f. 1.1.2002.**

### **7. Issue of duplicate license.**

If a license held by the licensee is defaced, lost or destroyed, an application furnishing true and correct information in such form as may be required by the licensing authority may be made to it for obtaining a duplicate license. A fee of \*[rupees ten] shall be payable along with such application. The licensing authority may, after making such enquiry as it may think fit, issue a duplicate license.

**\* Substituted vide G.O. No. RDL-1890/2633/(3916)/XXIII, dated 29<sup>th</sup> December 1993.**

### **<sup>1</sup>[8. Deposit of security.**

Every person applying for a license shall before the license is issued to him, deposit with the licensing authority sum of <sup>2</sup>[rupees three thousand in relation to Kerosene and Rupees five hundred in relation to other scheduled commodities] as security deposit for the due performance of the conditions of the license.]

**1. Substituted vide G.O. No. RDL-1890/2633/(3916)/XXIII, dated 29<sup>th</sup> December 1993.**

**2. Substituted by Notification No. ECA.1701/1604/CR-8627/CS-23, dated 2.1.2002, w. e. f. 1.1.2002.**

### **\*[9. Power to refuse to issue or renew license.**

The licensing authority may after giving the retail dealer concerned an opportunity of stating his case and for reasons to be recorded in writing refuse to issue a license to him or to renew the license issued to him.]

\* Substituted vide G.O. No. RDL-1890/2633/(3916)/XXIII, dated 29<sup>th</sup> December 1993.

**10. Contravention of conditions of license.**

- (1) No licensee or his agent or servant or any other person acting on his behalf shall contravene any of the terms or conditions of the license.
- (2) If the licensing authority is satisfied that any such licensee or his agent or servant or any other person acting on his behalf has contravened any of the said terms or conditions, it may, without prejudice to any other action that may be taken against him, by order in writing cancel or suspend his license either in respect of all scheduled commodities covered by it or in respect of such of these commodities as it may think fit:

Provided that, no order shall be made under this sub-clause, unless the licensee has been given reasonable opportunity of stating his case against the proposed cancellation or, as the case may be, suspension.

**11. Forfeiture of security deposit.**

- (1) Without prejudice to the provisions of clause 10, if the licensing authority is satisfied that the licensee has contravened any of the terms or conditions specified in the license and that a forfeiture of the security deposit is called for, he may, after giving the licensee a reasonable opportunity of stating his case against such forfeiture, by order in writing forfeit the whole or any part of the security deposited by him and communicate a copy of such order to the licensee:

Provided that, where a cancellation of the entire license is duly ordered by the licensing authority, the order of cancellation shall also be accompanied by an order forfeiting the entire deposit.

\*[(2) If a licensee carries on business as a retail dealer after the date of expiry of his license without applying for renewal thereof before that date then,

-

- (i) Where the licensee applies for the renewal of his license before the 31<sup>st</sup> day of January of the year next following the date of expiry of the license, the licensing authority may, by order in writing forfeit to Government 25 percent of the security deposit deposited by him; and
- (ii) Where the licensee does not apply for the renewal of his license before the 31<sup>st</sup> day of January of the said year, it may by order, in writing forfeit to Government the whole of the security deposit deposited by him.]

## The Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979

- (3) If by reasons of forfeiture under sub-clause (1) [or sub-clause (2)] the amount of security deposit kept by the licensee falls short of the amount required to be deposited by him under clause 8, he shall, on being required to do so, forthwith deposit further security to make up that amount.
- (4) If, at any time, the licensee surrenders his license to the licensing authority or if within thirty days from the date of expiry of his license, he gives an intimation to the licensing authority that he does not desire to continue his business as a retail dealer in any of the scheduled commodities, the licensing authority shall return to the licensee the whole of the amount of the security deposit deposited by him, or as the case may be, such part thereof as has not been forfeited earlier.

**Inserted vide G.O. No. RDL-1890/2633/(3916)/XXIII, dated 29<sup>th</sup> December 1993.**

**+ [12. Maintenance of registers of accounts.**

Every licensee shall maintain register of accounts as laid down in the terms and conditions of his license and show therein such other particulars of daily accounts as the licensing authority may specify.

**13. Form of returns and time and manner of sending it.**

Every licensee shall in respect of each commodity submit to the licensing authority a true return in Form C every month, so as to reach the licensing authority within five days after the close of the month.]

**+ Clause 12 and 13 Substituted vide G.O. No. ECA-2580/(81) (a)/864/XXIII. dated 28<sup>th</sup> January 1986.**

**14. Power of entry, examination, search, seizure etc.**

- (1) With a view to securing compliance of this Order or satisfying himself that this Order has been complied with, any police officer not below the rank of sub-Inspector, or any officer of Government in the Food and Civil Supplies Department or Rationing Inspector in the Bombay Rationing Area and elsewhere of the Supply Inspector, within their respective jurisdiction, may-

- (a) Step and search any person or any boat, vessel, motor or other vehicle or any receptacle used or intended to be used by the licensee;
  - (b) enter, search or examine any place; (c) seize -
    - (i) any stock of scheduled commodities in respect of which he has reason to believe that a contravention of any provisions of this order has been, is being or is about to be committed;
    - (ii) any package, coverings or receptacles in which such stock of any scheduled commodity is found;
    - (iii) the animals, vehicles, vessels or other conveyances used in carrying any scheduled commodity if he has reason to believe that such animals, vehicles, vessels or other conveyances are liable to be forfeited under the provisions of the Essential Commodities Act, 1955 (10 of 1955) and thereafter;
    - (iv) take or authorize the taking of all measures necessary for securing the production of the packages, coverings, receptacles, animals, vehicles, vessels or other conveyances so seized before the Controller of Rationing in the Bombay Rationing Area, and elsewhere the Collector of the District or the judicial authority appointed to hear appeal under section 6-C of the said Act, if required to do so, and for their custody rendering such production;
  - (d) examine or seize any books of accounts or documents which in his opinion would be useful for, or relevant to any proceedings in respect of any contravention of this Order and allow the persons from whose custody such books of accounts or documents are seized to take copies thereof or to take extracts therefrom in his presence.
- (2) The provisions of the Code of Criminal Procedure, 1973 (2 of 1973) relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

**15. Appeal.**

- (1) Any person aggrieved by any order of the licensing authority refusing to issue \*[or to renew] a license or cancelling or suspending a license or forfeiting the security deposit deposited by him under the provisions of this order may appeal in the Bombay Rationing Area, to such officer not

## The Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979

below the rank of Deputy Secretary to Government in the Food and Civil Supplies Department of Government as may be designated by Government for the purpose elsewhere, to the Commissioner of the Division.

- (2) Every such appeal shall be made within thirty days on the date of receipt of the order appealed against by the person appealing; Provided that the Appellate Authority may, admit an appeal after the expiry of the said period if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within the said period.
- (3) No order shall be made by the appellate authority under this clause unless the aggrieved person has been given a reasonable opportunity of stating his case.
- (4) Pending the disposal of the appeal, the appellate authority may direct that the order of the licensing authority shall not take effect until the appeal is disposed off.

**Inserted vide G.O. No. RDL-1890/2633/(3916)/XXIII, dated 29<sup>th</sup> December 1993 .**

### **16. Review or revision.**

\*[(1) (a) Government may, at any time before, the expiry of two years from the date of any order passed by the licensing authority or any other competent authority under this Order, call for the records of the proceedings underlying such order for the purpose of satisfying itself as to the legality or propriety of such order or as to the regularity of such proceedings and if it shall appear to the State Government that such order or proceedings should be modified, annulled or -confirmed, it may pass such order as it deems it:

Provided that an Order shall be made under this clause unless the person who is likely to be aggrieved thereby has been given a reasonable opportunity of stating his case;

- (b) Government may on an application made or *suo motu* at any time before the expiry of two years from the date of any order passed by it in revision under this clause may review such order if it is satisfied about the reasons to do so on any of the following grounds, namely:-

- (1) Discovery of new and important matter of evidence which after the exercise of due diligence, was not within the knowledge of the applicant or could not be produced by him at the time when the order was passed or order was made; Or
- (2) Some mistake or error apparent on the face of the record; Or
- (3) for any other sufficient reason.

And upon such review if it shall appear to the State Government that such order should be modified, annulled or conformed, it may pass such order it deem fit.

- (c) Order passed in review shall on no account be re-reviewed.]
- (2) Pending the disposal of the review or revision proceedings under this clause, the State Government may direct that the order passed by the licensing authority or other competent authority shall not take effect until an Order is passed by it.

+ **Cl. 16(1) is renumbered as sub-clause (1)(a) and sub-clauses (b) and (c) inserted by Notification No. ECA. 1007/CR-229/CS-23, dated 04.07.2007.**

**17. Special provisions as respects persons holding existing licenses.**

- (1) Every person holding an existing license and intending to carry on business as retail dealer in any of the scheduled commodities after the commencement date shall within ninety days from the commencement date surrender his existing licence to the licensing authority and obtain in exchange thereof from that authority, a license under this Order.
- (2) A person applying for a license under this order in exchange of his existing license may also apply to the licensing authority to adjust the amount of the fees paid and the amount of security deposit deposited in respect of his existing license towards the amount of the fees and the amount of security deposit required to be paid by him in respect of the license under this order.
- (3) On receipt of an application under sub-clause (2) for adjustment of fees and an amount of security deposit paid by the applicant in respect of an existing license, the licensing authority shall determine the amount to be adjusted and shall refund to the applicant or, as the case may be, require

## **The Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979**

the applicant to pay, the difference between the amount paid by the applicant in respect of the existing license and the amount required to be paid him in respect of the license applied for. \* [17-A. - - - - - ]

\* **Clause 17-A regarding "obtain new license every year" deleted vide G.O. No. RDL-1890/2633/(3916)/XXIII, dated 29<sup>th</sup> December 1993.**

### **18. Ceaser of certain orders or commencement date.**

On and from the commencement date -

- (1) the Maharashtra Food grains Dealers' Licensing Order, 1963;
- (2) the Maharashtra Sugar Dealers' Licensing Order, 1963;
- (3) the Maharashtra Gur and Khandsari Dealers' Licensing Order, 1963;
- (4) the Maharashtra Kerosene Dealers' Licensing Order, 1966 ;
- (5) the Maharashtra Hydrogenated Vegetable Oils Dealers' Licensing Order, 1970; \_
- (6) the Maharashtra Scheduled Oil-seeds and Oils (Dealers and Millers) Licensing Order, 1977; and
- (7) the Maharashtra pulses (Dealers and Millers) Licensing Order, 1977;

Shall cease to apply in relation to retail dealer in any of the scheduled commodities;

Provided that such ceaser shall not affect-

- (i) the previous operation of the said licensing order or anything duly done or suffered there under; or
- (ii) any right, privilege,. obligation or liability acquired, accrued or incurred under any of the said licensing orders; or
- (iii) any penalty, forfeiture or punishment incurred in respect of any offence committed against any of the said licensing ,orders; or
- (iv) any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceedings or remedy may be instituted, continued or enforced and any such penalty, forfeiture of punishment, may be imposed as if this order had not been made.

**FORM 'A'**

(See clause 4 of the Maharashtra Scheduled Commodities  
Retail Dealers' Licensing Order, 1979.)

*Application for grant of a license under the Maharashtra scheduled Commodities  
Retail Dealers' Licensing Order, 1979.*

Instructions to the applicant for filling in the form.-

- (1) All entries recorded in the application form should be legible and written in ink in the same language as that of the application form.
- (2) All entries in the application form must be filled in where information is “**Nil**” “**Not applicable**” etc., it should be so written instead of leaving the space blank.
- (3) Where the Applicant's name, profession, etc .., is required to be mentioned, use of abbreviation should be avoided
- (4) While furnishing details of a pending prosecution, the name of the court, last date of hearing and the stage of the case should be given in a separate sheet if the space provided in the form is found to be inadequate. Mention of such separate sheet being attached should, however, be made in the answer to item 10 in the application form.
- (5) The addresses of the godowns or business premises within the jurisdiction of the licensing authority should only be mentioned.
- (6) On investigation, the information furnished is found to be false or substantially a pressed, the applicant will render himself liable for penal action, and the license already issued will be subject to cancellation.
- (7) If the applicant hold an existing license on the date of the application for any part of the period which be covered by the license applied for he may apply to the licensing authority to adjust the amount of license fees and of the security deposit paid by him in respect of the existing license towards the license fee and the security deposit required to be paid by him in respect of the license applied for.



**The Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979**

To,

-----  
-----  
-----

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

Licensing Authority.

Sir,

**I/We** .....

.....request that I/we  
may be granted a license to carry on business as a retail dealer in the following  
scheduled commodities-

- 1.
- 2.
- 3.

(Here mention the Scheduled commodities in which the applicant desires to carry on business as a retail dealer.)

I/We furnish below the requisite particulars which to the best of my/our knowledge are true.

I/We further furnish herewith the certified true copies of the documents mentioned in items 4 and 12. Particulars of applicant and his business.-

1. (a) Applicant's name:  
(b) Age:  
(c) Name of the Shop or Firm:  
(d) Place of business:
2. Applicant's residential address, if he is the sole proprietor:
3. If the Application is a partnership firm/co-operative society/company/registered institution:

Give name of partners/managing directors/chairman/Secretary as the case may be.-

Serial No.	Name	Position held	Profession	Full residential address

4. Particulars of registration in case of partnership firm/ co-operative society / company/ registered institution-

Registration No	Registering Authority	Date of issue	Any other relevant particulars

5. Sales Tax Registration No. and relevant details.-

Sales Tax Registration No. and date of issue	Authority giving the Registration Number	Sales Tax Office concerned	Whether sales tax paid fully if not, upto which period

6. If the applicant is/are income tax payer/s state particulars there of:-

Permanent Account No	Name of Income Tax Office concerned	Income Tax paid during the last two years		Arrears of income tax payable, if any
		Year	Rs. Ps.	

## The Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979

7. Points on which information is to be furnished by the applicant. -

	Food grains	Sugar	Gur and khandsari	Hydrogenated Vegetable Oil	Kero-sene	Edible Oils	Pulses
	1	2	3	4	5	6	7
(a) License Number, if already held							
(b) Licensing Authority							
(c) Date of issue of license							
(d) Wholesale license If any (give No and year)							
(e) Amount of Security deposit paid							
(f) Date of Payment							
(g) Mode of payment (Chalan No and date)							

8. Quantity of Commodity-

	Q.Kg	Q.Kg	Q.Kg	Q.Kg	K.L.	Q.Kg	Q.Kg
(a) Handled in the last 3 years 198 - 198 “ “ 198 - 198 “ “ 198 - 198 “ “							
(b) Lidely to be handled in the current year							
(c) Stocks on hand at the time of making the application							

9. Full address of the place of business and the place/s of storage where the commodities are stored at present or where they are proposed to be stored-

Place/s of House No Storage	Name of Street/ Road/ lane	Mohalla	Town / Village	Nearest Police Station	Postal District

10. Was the applicant prosecuted in Court of Law for any breach or contravention of the Essential Commodities Act, 1955 or the Defence of India Rules, 1971 or any order made there under if so, with what results? Whether prosecution is pending ? Give particulars.-

Case No	Name of person/s prosecuted	Nature of offence	Result of prosecution (if pending, mention it)

11. If the applicant is in possession of the documents required for business purposes in any Locality, State particulars.-

Municipal Trade License	Shops and Establishment Registration Certificate	Rent receipt/s if business premises/ godowns etc. are not owned	License under the prevention of food adulteration Act, 1954	Permission for storage of Kerosene	If the applicant holds any other licence or certificate state particulars thereof
(1) Issuing Authority					
(2) Date of Issue					
(3) Date of Registration					



<sup>2</sup>(a) License No.....issued to the applicant on .....

<sup>2</sup>(b) Request for grant of license rejected.

Received the License .....

(Date and signature of the applicant).

(Signature)

Licensing authority.

**1. Condition regarding “change in partnership etc.” deleted vide Govt. Order No. ECA-2580/81(A)/(864)/XXIII, dated 28th January 1986.**

**2. Strike off whichever is not applicable.**

-----

**The Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979**

**<sup>+</sup>[Form A-1]**

(See clause 6 (1) of the Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979.)

*Application for renewal of a license issued under the Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979.*

To

.....

(Here Specify the name of the Licensing Authority).

Sir,

I/We ..... hereby request that (Here mention name of the applicant)

My/our License No. .... Dated the .....  
.....19 issued to me/us on the .....

.....19 to carry on business as a retail dealer may be renewed for a further period of five years from the .....19 .

(Here mention the date from which the renewal is sought, being the date immediately next after the last date) of its validity or expiry namely

.....

(Here mention the last date of validity of expiry of the license.)

1. I/We request that following entries in the License need to be modified as indicated below against each entry:-

Existing Entry	Change desired
(1) .....	(1) .....
(2) .....	(2) .....
(3) .....	(3) .....

2. I/We hereby declare and state that the particulars furnished by me/us in the application for grant of License still hold good in respect of items 1,2, 3, 4, 5, 6, 9, 10, 11 and 12.

The particulars furnished by me/us in respect of items 7, 8 .....  
.....are as under :-

(Here mentioned any other item numbers, if necessary).

Items number.	Present position.
(1) (7)	
(2) (8)	
(3) any other item.	

3. I/We hereby declare that all the other particulars mentioned in the License to be renewed need no deletion or addition or modification.

Date:

Signature of Applicant.

*(For Office Use)*

(1) Date of receipt of this application.

(2) Renewal fee of Rs \_\_\_\_\_ received.

(3) Applicant called on \_\_\_\_\_

\*(a) License number ..... renewed and issued to the applicant on.....

\*(b) Request for renewal of License rejected, received the License duly renewed.

Date and signature of the applicant.

● **Strike off whichever is not applicable.**

t-t **Inserted vide G.O. No. RDL-1890/2633/(3916)XXUI, dated 29<sup>th</sup> December 1993.**

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**The Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979**

**FORM-B**

(See clause 4 of the Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979)

Serial No.

**Government of Maharashtra**

Food And Civil Supplies Department

Retail Dealers' Licence

**(Under the Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979.)**

License No \_\_\_\_\_

.....

*License for carrying on business as Retail Dealer in Scheduled Commodities.*

1. Subject to the provisions of the Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979, and subject to the terms and commodities of the license.

Name of the licensee	Name/s of owner/ partners/ Managing
(Trade name, if any)	Directors /Manager /Person incharge.

Name	Position
(i) .....	
(ii) .....	
(iii) .....	

Is/are hereby authorized to sell or store for sale the under mentioned commodities as retail dealer.

Name of the Commodities	Quantitative restrictions, if any
-------------------------	-----------------------------------

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

2. (a) The licensee shall carry on the aforesaid business at the following place (full address) :-

- (i) Name or number of building .....
- (ii) Name of lane, by-lane road .....
- (iii) Town Village .....
- (iv) Police Station .....
- (v) District/Postal District .....
- (b) The licensee shall not store to commodities in which the aforesaid business is to be carried on at any place other than the godowns mentioned below (full address to be furnished).

(i) Name or No. of the building.....

(ii) Name of lane, by-lane main road .....

.....

(iii) Town/Village .....

Police Station...

(iv) District/Postal District.....

**Note:-** If the Licensee intends to store the commodities in godown /s other than these specified above, the licensee shall give intimation of the actual occupation of any such godowns within forty-eight hours of the actual occupation thereof, and shall produce the license for making change therein to the licensing authority.

3. (i) The licensee shall, except when specially exempted by the State Government or by the licensing authority in this behalf maintain a register or daily accounts for each of the commodities mentioned in paragraph (1), showing correctly.

(a) the opening stock of each day;

(b) the quantities, received on each day, \*[- - - - -]

(c) the quantities, delivered or otherwise removed on each day,[- - - - ] and

(d) the closing stock on each day .

(ii) The licensee shall complete his accounts for each day on day to which they relate, unless prevented by reasonable cause, the burden of proving which shall be upon the licensee each of the commodities mentioned in paragraph (1) separately.

## The Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979

- (iii) A Licensee, who is a producer/manufacturer shall separately show the stocks of the licensed commodities produced by himself, in the daily accounts, if such stocks are stored in the premises, mentioned in paragraph (2).
- \*[4. The Licensee shall, except when specifically exempted by the State Government or by the licensing authority or by any officer duly authorized in this behalf, submit to the licensing authority a true return in form 'C' in respect of each commodity received and delivered during every month, so as to reach the licensing authority within five days after the close of that month.]
5. The licensee shall not contravene the provisions of any licensing or other orders under the Essential Commodities Act, 1955 (10 of 1955), or any other law for the time being in force, relating to essential commodity or commodities which he is authorized to sell or store for sale under this license.
6. The licensee shall not-
- (i) enter into any transaction, involving purchase, sale or storage for sale of commodities in a speculative manner prejudicial to the maintenance and easy availability of supplies of the commodities in the local market;
  - (ii) withhold from sale, supplies of the commodities kept on sale;
  - (iii) charge in respect of sales of commodities made by him, a margin of profit;
    - (a) in excess of a margin of profit fixed, if any, by Government under the Essential Commodities Act, 1955 (10 of 1955), or under the Defence of India Rules, 1971, or by or under any other law for the time being in force; and
    - (b) where it is not so fixed, in excess of the rate prevailing in the local market at the time of sale or at the rate in excess of any maximum rate fixed for retail transactions by the State Government or the Central Government for the locality, district or State as a whole.
  - (iv) charge rate, in respect of the sale of the commodities made by him, more than the rate indicated on the price board displayed by him.
7. The licensee shall exhibit at the business premises, the price list of the commodities held by him for sale, such price list shall be legibly written in Marathi/or in the principal language of the locality concerned. It shall indicate separately, the selling prices of different varieties of the commodities.

- \* [8. The licensee shall, except when specifically exempted by State Government or by the licensing authority in this behalf, issue to every customer, a correct receipt or invoice or cash memo, as the case may be, for any sale exceeding rupees twenty five giving his own name, address, license number, date of transaction, the quantity sold, the price per kilogram/litre/quintal/package/tin and total amount charged and the name and address of customer and shall keep duplicate of the same. To be made available for inspection on demand by the licensing authority or any other officer duly authorized in this behalf.]
9. The licensee shall give all facilities at all reasonable times to the licensing authority or any other officer duly authorized for inspection of stocks and accounts at the shop, godown or any other place, used by him for storage, sale or purchase and for taking of samples for examination.
10. The licensee shall comply with any directions that may be given to him by the State Government or by the licensing authority, in regard to purchase, sale and storage for sale of the commodities and in regard to the language in which the registers, returns, receipts or invoices mentioned in paragraphs (3), (4), (7) and (8) shall be written and the authentication of maintenance of the same.
11. The licensee shall take adequate measure to ensure, that the commodities stored by him are maintained in good condition and that damage to them due to ground moisture, rain, insects, rodents, birds, fire and like causes is avoided. Suitable dunnage shall be used, where necessary, to avoid damage from ground moisture, fertilizers, insecticides and poisonous chemicals likely to contaminate shall not be stored along with such commodities or in immediate juxtaposition of such commodities which are for human consumption. It shall be further ensured that at the time of sale, the said commodities for human consumption are in good condition.
12. If and when there is any change in the ownership, partnership or constitution of the firm, as indicated in paragraph (2), the licensee shall give a written intimation to the Licensing authority \*[within thirty days.] On receipt of such intimation for *suo motu*, after making such enquiry as may be deemed necessary, it shall be lawful for the licensing authority either to amend, add to, continue, suspend or cancel this license.
13. The licensee shall be liable for departmental action, prosecution or both, as the case may be, for the breach of any condition of this license or any directions or orders issued by the State Government or licensing authority from time to time.

# The Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979

14. This license shall be valid upto \_\_\_\_\_

If the licensee fails to apply for renewal of this license or fails to pay the prescribed renewal fees within the time limit prescribed, this license shall become invalid.

Place \_\_\_\_\_

Date \_\_\_\_\_

Signature of the  
Licensing authority.

## Particulars of Security Deposits Paid by the Licensee

Amount Paid	Date of payment	Mode of payment (indicate challan No. and date)

## Particulars of Licence / Renewal / Fees Paid

Date of payment	Amount paid	Particulars of fees	Receipt No and date

## Details of Renewal Licence

Renewed upto	Date of Renewal	Signature of the licensing authority

## Record of Punishment /Action Taken, If any-

Date	Order No.	Punishment / Action	Signature of the licensing authority

**Additional Space For Indicating Storage Place/Godown**

- (1) Name of the building \_\_\_\_\_
- (2) Name of lane, by-lane road, main road \_\_\_\_\_
- (3) Town/ Village \_\_\_\_\_  
Police Station \_\_\_\_\_
- (4) District/Postal District \_\_\_\_\_

**Record of Changes, If any Effected**

Date	Nature of change effected	Page No. and Paragraph	Signature of the licensing authority

**\* Regarding “ places and source of quantities” deleted vide G.O. No. ECA- 2580/81(A)/(864)/XXIII, dated 28<sup>th</sup> January 1986.**

**\*Substituted vide G.O. No ECA-2580/81(A)/864/XXIII, dated 28<sup>th</sup> January 1986.**

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**The Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979**

**FORM C**

(For use by a licensee)

(See Clause 13 of the Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979)

Return of stocks, receipt and sales for the month of 199

To,

The Licensing Authority

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name \_\_\_\_\_ License No \_\_\_\_\_

Address \_\_\_\_\_ Particulars \_\_\_\_\_

\_\_\_\_\_ Godown \_\_\_\_\_

Quantity in quintals

Licence No.			Licence No.		
Commodities Foodgrains			Commodities Foodgrains		
Variety			Variety	Pulses (whole)	Dals
Opening Stock			Opening Stock		
Purchase			Purchase		
Sale			Sale		
Closing Stock			Closing Stock		
License No.			License No.		
Commodities	Edible Oils	Oilseeds	Commodities Other Commodities		
Opening Stock			Opening Stock		
Purchase			Purchase		
Sale			Sale		
Closing Stock			Closing Stock		

## Schedule 'P'

[See clause 2 (a)]

**The Bombay Rationing Area Comprising of-**

- (1) Greater Bombay.
- (2) The following Area from Thane District.

## Thane Taluka

- (i) Thane Municipal area.
- (ii) Kalwa Village Panchayat area.
- (iii) Majiwade Village Panchayat area.
- (iv) Balkun Village Panchayat area.
- (v) Kolshet Village Panchayat area.
- (vi) Chitalsar Manpada Village Panchayat area.
- (vii) Khari Village Panchayat area.
- (viii) Parsik Khari Village Panchayat area.
- (ix) Diwa (Station) Diwa Village Panchayat area.
- (x) Sabe, Diwa Village Panchayat area.
- (xi) Dativali Village Panchayat area.
- (xii) Agasan, Dativali Village Panchayat area .
- (xiii) Betavade, Dativali Village Panchayat area.
- (xiv) Matatardi, Dativali Village Panchayat area.
- (xv) Mumbra Village Panchayat area.
- (xvi) Yewoor Village Panchayat area.
- (xvii) Kavesar Village Panchayat area.
- (xviii) Borivade, Wadawali Village Panchayat area.
- (xix) Wadawali Village Panchayat area.
- (xx) Ovale, Wadawali Village Panchayat area. (xxi) Chene Village Panchayat area.
- (xxii) Ghodbundar Village Panchayat area.
- (xxiii) Varsave, Chene Village Panchayat area. (xxiv) Mira Village Panchayat Area.



## The Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979

- (xxv) Kashi, Ghodbunder Village Panchayat area.
  - (xxvi) Bhayandar Village Panchayat area.
  - (xxvii) Rai-Murdhe Village Panchayat area.
  - (xxviii) Dongari Village Panchayat area.
  - (xxix) Uttan Village Panchayat area.
  - (xxx) Diva Village Panchayat area.
  - (xxxi) Airavaii Village Panchayat area.
  - (xxxii) Gothivali Village Panchayat area.
  - (xxxiii) Ghansoli Village Panchayat area.
  - (xxxiv) Koparkhaine Village Panchayat area,
  - (xxxv) Khaine Village Panchayat area.
  - (xxxvi) Turbhe Village Panchayat area.
  - (xxxvii) Vashi Village Panchayat area.
  - (xxxiii) Shiravane Village Panchayat area.
  - (xxxix) Sanpada Village Panchayat area.
  - (xL) Nerul Village Panchayat area.
  - (xLi) Karave Village Panchayat area.
  - (xLii) Belapur Village Panchayat area.
- (3) The following areas from the Kalyan taluka of the Thane District namely:-
- (i) Dombivali Municipal area.
  - (ii) Bhopar Village Panchayat area.
  - (iii) Thakurli Village Panchayat area.
  - (iv) Ayre Village Panchayat area.
  - (v) Chole Village Panchayat area.
  - (vi) Gajabandhan-Patharli Village Panchayat area.
  - (vii) Asde Golivali Village Panchayat area.
  - (viii) Sagaon Sonarpada Village Panchayat area.
  - (ix) Sandep, Katap Village Panchayat area.

- (x) Mandivali, Gajabandhan-Patharli Village Panchayat area.
- (xi) Gharivali, Katap Village Panchayat area.
- (xii) Usarghat Katai Village Panchayat area.
- (xiii) Katai Village Panchayat area.
- (xiv) Nilje Village Panchayat area.
- (xv) Kole Village Panchayat area.
- (xvi) Kopar, Aire Village Panchayat area.
- (xvii) Kachore Village Panchayat area.
- (xviii) Tis Village Panchayat area.
- (xix) Nativali Village Panchayat area.
- (xx) KateManivali Village Panchayat area.
- (xxi) Pisewali, Kachore Village Panchayat area.
- (xxii) Shahad, Chikanghar Village Panchayat area.
- (xxiii) Mharal Village Panchayat area.
- (xxiv) Khade, Gokivali, Kachore Village Panchayat area.
- (xxv) Golegaon, A.T. Barhe Village Panchayat area.
- (xxvi) Mohare Village Panchayat area.
- (xxvii) Balyani, Manivali Village area.
- (xxviii) Sapad Village Panchayat area.
- (xxix) Vedeghar Village Panchayat area.
- (xxx) Kalyan Municipal area.
- (xxxi) Umbarde Village Panchayat area.
- (xxxii) Kolivali, Umbarde Village Panchayat area.
- (xxxiii) Burave Urnbarde Village Panchayat area;
- (xxxiv) Gamdhare, Umbarde Village Panchayat area.
- (xxxv) Vadavali, A.T.Barhe Village Panchayat area.
- (xxxvi) Atale, A.T. Barhe Village Panchayat area.
- (xxxvii) Ambivali, A.T. Barhe Village Panchayat area.

## The Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979

- (xxxviii) Chikanghar Village Panchayat area.
  - (xxxix) Vedavali -.Ambernath, Ambenath Municipal area.
  - (xL) Ambernath Rural, Ambernath Municipal area.
  - (xLi) Ambenath Urban, Ambernath Municipal area.
  - (xLii) Morivali, Ambernath Municipal area.
  - (xLiii) Khoj- Ambernath Municipal area.
  - (xLiv) Chikhaloli Village Panchayat area.
  - (xLv) Kansai Forest Village area.
  - (xLvi) Javasai Forest Village area.
  - (xLvii) Ulhasnagar Municipal area.
- (4) The following areas from the Bhiwandi Taluka of the Thane District viz.
- (i) Bhiwandi Municipal Area.
  - (ii) Nizampur, Bhivandi Municipal area.
  - (iii) `Gavripada, Kamatghar Village Panchayat area.
  - (iv) Kaneri, Kamatghar Village Panchayat area',
  - (v) Narepoli Kamatghar Village Panchayat area.
  - (vi) Fene, Kamatghar Village Panchayat area.
  - (vii) Kamatghar Village Panchayat area.
  - (viii) Val Village Panchayat area.
  - (ix) Bhadwad Village Panchayat area.
  - (x) Kalwar, Dunge Village Panchayat area.
  - (xi) Dunge Village Panchayat area.
  - (xii) Wadghar, Dunge Village Panchayat area.
  - (xiii) Waunavghar Village Panchayat area.
  - (xiv) Kariwali Village Panchayat area.
  - (xv) Vehale Village Panchayat area.
  - (xvi) Anjur Village Panchayat area.
  - (xvii) Rahanal Village Panchayat area.
  - (xviii) Purna, Rahanal Village Panchayat area.

- (xix) Ovali, Val Village Panchayat area.
- (xx) Kopar, Rahanal Village Panchayat area.
- (xxi) Kalber Village Panchayat area.
- (xxii) Depara, Val Village Panchayat area.
- (xxiii) Gundavali, Val Village Panchayat area.
- (xxiv) Kasheli Kalbar, Village Panchayat area.
- (xxv) Diva, Kalbar Village Panchayat area.
- (xxvi) Kevani Village Panchayat area.
- (xxvii) Pimplas Village Panchayat area.
- (xxviii) Gove Village Panchayat area.
- (xxix) Kon Village Panchayat area.
- (xxx) Pimpalghar Village Panchayat area.
- (xxxi) Sarvali, T. Sonale, Pimpalghar Village Panchayat area.
- (xxxii) Ranjnoli, Pimpalghar Village Panchayat area.
- (xxxiii) Sonale, Bhadwad Village Panchayat area.
- (xxxiv) Temghar Village Panchayat area.
- (xxxv) Chavindre Village Panchayat area.
- (xxxvi) Nagaon, Chavindre Village Panchayat area.
- (xxxvii) Pagaon, Chavindre Village Panchayat area.

\* Substituted vide G.O. No. ECA-2580/(81)(A)/864/XXIII. dated 28<sup>th</sup> January 1986.

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#### Schedule II

*[See clause 2 (i)]*

<sup>+</sup>[1. Kerosene as defined in item no.7 of the First Schedule to the Central Excise and Salt Act, 1944 (1 of 1944) and not including aviation Turbine Fuel.]

<sup>+</sup> **Schedule II is amended by following notifications, namely-**

- (i) Notification No. RDL. 1894/3227/(6126)/XXIII, dated 11.12.1995.**
- (ii) Notification No. RDL. 1894/3227/(6126)/XXIII, dated 16.12.1996.**
- (iii) Notification No. ECA. 1003/598/CR-178/CS-23, dated 4.8.2003.**
- (iv) Notification No. ECA. 1003/938/CR-253/CS-23, dated 3.2.2004.**

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**Schedule III**

*Corporation Area*

[Clause 2 (b-II)]

- (1) Bombay Municipal Corporation.
- (2) Pune Municipal Corporation.
- (3) Nagpur Municipal Corporation.
- (4) Thane Municipal Corporation.
- (5) Kalyan Municipal Corporation.
- (6) Amravati Municipal Corporation.
- (7) Kolhapur Municipal Corporation.
- (8) Nasik Municipal Corporation.
- (9) Solapur Municipal Corporation.
- (10) Aurangabad Municipal Corporation.
- (11) Pimpri-Chichwad Municipal Corporation.
- (12) New Bombay Municipal Corporation.]

\* Substituted vide G.O.No. MISC-2291/2206/(4255)/XXIII, dated 20th September 1993.

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**MAHARASHTRA SCHEDULED COMMODITIES WHOLE-SALE  
DEALERS' LICENSING ORDER, 1998.**

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**Food, Civil Supplies And Consumer Protection Department**

Mantralaya Annexe, Mumbai- 400032,

Dated 19<sup>th</sup> December 1998.

**Order**

Essential Commodities Act, 1955.

**No. ECA.-1798/1470/CR-7116/CS-23** - Whereas the Maharashtra Food-grains Dealers' Licensing Order, 1963, the Maharashtra Sugar Dealers' Licensing Order, 1963, The Maharashtra Gur and Khandsari Dealers' Licensing Order, 1963, The Maharashtra Hydrogenated Vegetable Oils Dealers' Licensing Order, 1970, the Maharashtra Scheduled Oil-Seeds and Oils (Dealers' and Millers) Licensing Order, 1977 and the Maharashtra Pulses (Dealers' and Millers) Licensing Order, 1977, which have been issued by the Government of Maharashtra after obtaining prior concurrence of the Government of India;

And Whereas the Government of Maharashtra considers it expedient, in the public interest, to issue one consolidated order in place of the above mentioned six orders;

Now, therefore, in exercise of the powers conferred by clauses (c), (d), (e), (h), (i) (ii) and (j) of sub-section (2) of section 3 of the Essential Commodities Act 1955 (10 of 1955) read with the Government of India, Ministry of Industries and Civil Supplies (Department of Civil Supplies and co-operation) Order No.S.O.681 (E), dated the 30<sup>th</sup> November 1974 and Order No. S. O. 682(E), dated, the 30<sup>th</sup> November 1974 and the Government of India Ministry of Agriculture and Irrigation (Department of Food) Order No. C.S.R. 800, dated the 9<sup>th</sup> June 1978 and of all other powers enabling it in this behalf and in supersession of all the previous Orders issued in this behalf the Government of Maharashtra hereby makes the following Order, namely:-

**1. Short title extent and commencement.**

- (1) This Order may be called the Maharashtra Scheduled Commodities Wholesale Dealers' Licensing Order, 1998.
- (2) It extends to the whole of the State of Maharashtra.
- (3) It shall come into force from the 1st January 1999.

## The Maharashtra Scheduled Commodities Whole-Sale Dealers' Licensing Order, 1998

### 2. Definitions.

In this Order, unless the context otherwise requires.-

- (a) **“Collector”** in Mumbai Rationing Area means the Controller of Rationing and includes any Deputy or Assistant Controller of Rationing and elsewhere means the Collector of the district and includesy the Additional Collector, the District Supply Officer, an Assistant District Supply Officer, the Tahsildar an such other Officer or Officers as may be authorized by the Collector in this behalf within their respective jurisdiction;
- (b) **“Commencement date”** means the date of commencement of this Order;
- (c) **“Commissioner”** means a Commissioner for a Division appointed under the Maharashtra Land Revenue Code, 1966 and include Deputy Commissioner (Supply);
- (d) **“Dal Mill”** means the plant and machinery with which and the Premises (including the precincts thereof) in which or in any part of which a process of milling of pulses is being carried on or it ordinarily so carried on;
- (e) **“Dealer”** means a person engaged in the business of purchase, sale or storage for sale of any one or more of the scheduled commodities;
- <sup>2</sup>(f) **“Edible Oils - - - - -”**;
- (g) **“Edible Oil-seeds” - - - - - ;]**
- (h) **“Existing license”** means a license issued under the Maharashtra Foodgrains Dealers' Licensing Order, 1963, the Maharashtra Sugar Dealers Licensing Order, 1963, the Maharashtra Gur and Khandsari Dealers' Licensing Order, 1963. the Maharashtra Hydrogenated Vegetable Oils Dealers' Licensing Order, 1970, The Maharashtra Scheduled Oil-seeds and Oils (Dealers and Millers) Licensing Order, 1977, or the Maharashtra pulses(Dealers'and Millers) Licensing Order, 1977 and in force the commencement date;
- <sup>2</sup>(I) **“Foodgrains” - - - - - ;]**
- (j) **“Form”** means a form appended to this Order;
- (k) **“Government”** means the Government of Maharashtra;
  - (1) **“Gur”** means articles commonly known as gur, gol, jaggery and rab and Jaggery powder or shakkar, including uncrystalised sugar in any other form, comprising of original and convertible molasses and other impurities,

inherent of foteign prepared by boiling sugarcane juice but does not include raw sugar and palmyra jaggery,

- (m) **“Khandsari”** means a sugar in the manufacture of which neither vacuum pan nor a vacuum evaporator is employed;
- (n) **“License”** means a license granted under this Order;
- (o) **“Licensee”** means a person holding a license;
- (P) **“Licensing Authority”** in relation to any area forming part of the Mumbai Rationing Area, means any officer not below rank of Assistant Controller of Rationing who may be appointed to be a licensing authority for that area by the Controller of Rationing and in relation to any other area means the Tahsildar 1[or Foodgrains Distribution Officers of Nagpur, Pune and Solapur] having jurisdiction over that area or any other officer not below the rank of Tahsildar who may be appointed either by Collector or Government to be a licensing authority for that area;
- (q) **“Miller”** means the owner, occupier or any other person in charge of dal mill <sup>3</sup>[- - - - -];
- <sup>2</sup>[(r) **“Monthly grinding capacity”** - - - - - - - - -;]
- (s) **“Mumbai Rationing Area”** means the area specified as such as in Schedule ‘A’ to the Maharashtra Foodgrains Rationing (Second) Order, 1966;
- (t) **“Oil min”** means the plan and machinery with which and the premises (including the precincts thereof) in which or in any part of which a manufacturing process of extracting oil from scheduled oil-seeds is being carried on or is ordinarily so carried on, with or without the aid of power;
- (u) **“Producer”** means a person carrying on business of milling any of the pulses;
- (v) **“Pulses”** means any one or more of the pulses specified in schedule or any other Dal whether whole or split with or without husk;
- (w) **“Roller Flour Mill”** means a flour mill in which disintegration of wheat is done by groved steel or iron rollers worked by power;
- (x) **“Schedule Commodity”** means any of the commodities specified in Schedule, appended to his Order;
- <sup>2</sup>[(y) **“Sugar”**.....)



## **The Maharashtra Scheduled Commodities Whole-Sale Dealers' Licensing Order, 1998**

(z) **“Wholesale Dealer”** means-

- <sup>4</sup>[(i) in relation to gur and Khandsari, a person who carried on business of purchase, sale or storage for sale of gur and khandsari in quantities exceeding two hundred fifty quintals in aggregate at any one time and include a commission agent who holds stocks of gur and khandsari for sale in the conduct of his business;
- (ii) In relation to hydrogenated vegetable oil, a person who whether for commission, remuneration or otherwise carried on the business of purchase, sale or storage for sale of any hydrogenated vegetable oil or oils in quantities exceeding 150 kilograms at any one time to other dealers or other persons at wholesale rate;
- (iii) in relation to pulses, a person who carries on the business of purchase, sale or storage for sale pulses in quantities exceeding five quintals in the aggregate at anyone time and sales them to any other dealer or person for sale and includes a dal miller and a commission agent who holds such stocks of pulses at any one time in the conduct of his business;]

1. **Inserted by Notification No. ECA. 179811470/CR-7116/CS-23, dated 5th April 1999.**
2. **Sub-clauses (f), (g), (i), (r) and (y) deleted by Notification No. ECA.1003/598 CR-178/CS-23, dated 04.08.2003, w. e. f. 17.03.2002.**
3. **The words “or an oil mill” deleted, ibid.**
4. **In sub-clause (z), sub-clauses (i), (ii) and (vi) deleted and remaining sub-clauses are renumbered as sub-clauses (I), (ii) and (iii), ibid.**

### **3. Licensing of Wholesale Dealers.**

No person shall carry on business as a wholesale dealer in any one or more of the scheduled commodities except in accordance with the terms and condition of all license under this Order:

Provided that,

- (a) a person holding an existing license for carrying on business as a wholesale dealer in any of the scheduled commodities may continue to do so without a license till the <sup>1</sup>[31 st May 1999];
- (b) a person referred to in clause (a) who applies for a license before the expiry of period referred to in clause (a) or a licensee who applies for the renewal of

his license in accordance with the provisions of clause 6, may, till his application is rejected, continue to carry on business; as a wholesale dealer without a license in the scheduled commodities in respect of which he has applied for a license or for renewal thereof;

<sup>2</sup>[—————]

1. The words “expiry of 90 days, from the commencement date” substituted by Notification No. *ECA.1798/1470/CR-7116/CS-23*, dated 05.04.1999.
2. Proviso deleted by Notification No. *ECA. 1003/598/CR-178/CS-23*, dated 04.08.2003, w. e. f. 17.03.2002.

#### 4. Issue of license.

<sup>1</sup>[(1) Every application for a license shall be made to the licensing authority in form ‘A’ appended to this Order. Every such application shall be accompanied by a fee <sup>2</sup> [Rs. 1000/-] per commodity i.e. <sup>3</sup>[\_ - - - ] (3) Gur and Khandsari, (4) Hydrogenated Vegetable Oil, <sup>3</sup>[\_ - - - ] and (6) Pulses.

(2) Every license, shall be issued in revised form ‘C’ appended to this Order and shall be subject to the conditions specified therein.]

1. Sub-clauses (1) and (2) substituted by Notification No. *ECA. 1798 1470/CR-7116/CS-23*, dated 05.04.1999.
2. Substituted for “Rs. 200” by Notification No. *ECA. 1701/41/CR 8355/CS-23*, dated 1.1.2002, w. e. f. 1.1.2002.
3. The words “(1) Foodgrains, (2) Sugar,” and “(4) Edible oil & oil seeds” deleted by Notification No. *ECA. 1003/598/CR-178/CS-23*. dated 04.08.2003, w. e. f. 17.03.2002.

#### 5. Period of License and fees chargeable.

(1) Every license shall be granted for a period of five years from the date of issue of the license and shall thereafter be renewed for a period of five years, at a time;

Provided that, no license shall be granted for any period beyond the 31<sup>st</sup> day of December of the fourth year next following the year in which the license is granted.

#### 6. Renewal of License.

(1) Every licensee desiring to get his license renewed for a further period of five years shall before the date of expiry of the license apply for the renewal to

## **The Maharashtra Scheduled Commodities Whole-Sale Dealers' Licensing Order, 1998**

the licensing authority <sup>1</sup>[ in revised Form 'B' appended to this Order]. Every such application shall be accompanied by a fee of <sup>2</sup>[Rs. 500] per Commodity.

- (2) No application for the renewal made after the date of expiry of the license shall be entertained by the licensing authority;

Provided that, if such application is made before the 31<sup>st</sup> January of the year next following the date of expiry of the license and if the licensing authority is satisfied that the applicant could not apply for renewal of the license before the date of expiry thereof for sufficient reasons, the licensing authority may entertain the application and renew the license.

1. **Substituted for the words "in Form 'B' by Notification No. ECA. 1798/1470/CR-7116/CS-23, dated 05.04.1999.**
2. **Substituted for. "Rs. 100" by Notification No. ECA. 1701/41/CR-8355/CS-23, dated 1.1.2002, w. e. f. 1.1.2002.**

### **7. Issue of duplicate license.**

If a license held by the licensee is defaced, lost or destroyed, an application furnishing true and correct information in such form as may be required by the licensing authority may be made to it for obtaining a duplicate license. A fee of Rs. 20 per commodity shall be payable along with such application. The licensing authority may, after making such enquiry as it may think fit, issue a duplicate license +[within thirty days from date of receiving the application]

+ **Inserted by Notification No. ECA. 1798/1470/CR-7116/CS-23, dated 05.04.1999.**

### **+ [8. Deposit of Security.**

Save as otherwise provided in clause 18, any wholesale dealer applying for a license, in respect of any of the commodities mentioned in sub-clause (1) of clause 4, of the said Order, shall, before such licence is issued to him, deposit with the licensing authority, an amount of Rs.5,000 in cash, for each of said commodities, by way of security for the due performance of the conditions subject to which the license may be issued to him.]

+ **Clause 8 substituted by Notification No. ECA. 1701/41/CR-8355/CS-23, dated 1.1.2002 w. e. f. 1.1.2002. Please see also Notification No. ECA. 1003/598/CR-178/CS-23 dated 4.8.2003.**

### **9. Power to refuse to issue or renew license.**

The licensing authority may after giving the wholesale dealer concerned an opportunity of stating his case and for reasons to be recorded in writing refuse to issue a license to him or to renew the license issued to him.

**10. Fixing of Limit of Stock.**

- (1) Maximum stock of wheat to be stored by a licensed Roller Flour Mills.

Notwithstanding anything contained in any order, no Roller Flour Mills licensed under this order shall hold at anyone time stock of wheat exceeding <sup>1</sup>[sixty days] grinding capacity.

- (2) (i) Maximum stock of wheat to be stored by a licensed wholesale dealers.- Notwithstanding anything contained in any licensed wholesale dealer under this order shall order, no hold at any time wheat stocks exceeding <sup>2</sup>[five hundred metric tones] in <sup>4</sup>[Municipal Corporation Areas] and <sup>3</sup>[three hundred metric tones] in other Areas of the State;

Provided that the wholesale dealers in <sup>4</sup>[Municipal Corporation areas], shall hold the maximum stock of <sup>2</sup>[five hundred metric' tones] of wheat for a maximum period of then days and shall also submit the fortnightly returns to the Licensing Authority of the stock, receipt and deliveries of wheat;

Provided further that the imported wheat under Open General Licence is exempted form the stock holding limit:

Provided further that, the State Government shall be competent to grant exemption form the stock holding limitation to co-operative societies dealing in foodgrains.

- <sup>5</sup>[(ii) *Maximum stock of rice' to be stored by a licensed Rice.*

*Mills* - Notwithstanding anything contained in any order, no rice mill licensed under this Order shall hold at any one time stock of rice whether husked or otherwise exceeding <sup>7</sup>[fourty-five days] milling capacity.

- (iii) *Maximum stock of rice to be stored by a licensed wholesale dealers* - Notwithstanding anything contained in any order, no licensed wholesale dealer under this order shall hold at any time rice stocks exceeding <sup>8</sup>[Three hundred fifty metric tones (Husked or otherwise)] in Municipal Corporation Areas and <sup>9</sup>[two hundred metric tones (Husked or otherwise)] in other areas of the State.]

- <sup>6</sup>[(3) (i) \_\_\_\_\_]

1. **Substituted for the words “thirty days” by Notification No. ECA.1008/573  
CR- 277/CS-23 dated 05.06.2008.**
2. **Substituted for the words “three hundred metric tones”, ibid.**

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3. Substituted for the words "one metric tones". Ibid.
4. Substituted for the words "Mumbai Thane rationing Area, Nagpur and Pune, Municipal Corporation areas", *ibid*.
5. Sub-clause (2) renumbered as 2(i) and sub-clauses (ii) and (iii) inserted, *ibid*.
6. 'Sub-clause (3) deleted by Notification No. ECA. 1701/1135/CR-8525/CR-23, dated 28.08.2001.
7. Substituted for "sixty days" by Notification No. ECA.1009/CR-551/CS-23, dated 23.02.2010.
8. Substituted for "Five hundred metric tonnes", *ibid*.
9. Substituted for "Three hundred metric tones", *ibid*.

NB - Prior to above amendment by Notification dated 05.06.2008, this clause 10 was amended by Notification dated 04.03.1999 by which sub-clauses (1) & (2) along with the proviso was deleted. But again sub-Clauses (1) & (2) were amended though they were deleted by Notification dated 04.03.1999. The sub-Clauses (1) and (2) so amended subsequently are also shown here for convenience. Reader to note.

### **11. Contravention of conditions of license.**

- (1) No licensee or his agent or servant or any other person acting on his behalf shall contravene any of the terms or conditions of the license.
- (2) If the licensing authority is satisfied that any such licensee or his agent or servant or any other person acting on his behalf contravene any of the said terms or conditions, it may, without prejudice to any other action that may be taken against him, by order in writing cancel or suspend his license either in respect of all scheduled commodities covered by it or in respect of such of close commodities as it may think fit,

Provided that no order shall be made under this clause, unless the licensee has been given reasonable opportunity of stating his case against the proposed cancellation or, as the case may be, suspension.

### **\*[12. Forfeiture of security deposit.**

- (1) Without prejudice to the provisions of clause 11, if the licensing authority is satisfied that the licensee has contravened any of the terms or conditions specified in the license and that a forfeiture of the security deposit is called for, if may, after giving the licensee a reasonable opportunity of stating his

case against such forfeiture, by order in writing forfeit the whole or any part of the security deposit deposited by him and communicate a copy of the order to the licensee:

Provided that, where a cancellation of the license is duly ordered by the licensing authority, the order of cancellation shall also be accompanied by an order forfeiting the entire deposit.

- (2) If a licensee carries on business as a wholesale dealer after the date of expiry of his license without applying for renewal thereof before that date then,
  - (i) Where the licensee applies for the renewal of his license before the 31st day of January of the year next following the date of expiry of the license, the licensing authority may, by order in writing forfeit to Government 25 percent of the security deposit deposited by him; and
  - (ii) Where the licensee do not apply for the renewal of his license before the 31 st day of January of the said year, it may by order, in writing forfeit to Government or suspend his license either in respect of all scheduled commodities covered by it or in respect of such of those commodities as it may think fit.

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

## **12. Forfeiture of security deposit.**

- (1) Without prejudice to the provisions of clause 11, if the licensing authority is satisfied that the licensee has contravened any of the terms or conditions specified in the license and that a forfeiture of the security deposit is called for, it may, after giving the licensee a reasonable opportunity of stating his case against such forfeiture, by order in writing forfeit the whole or any part of the security deposit deposited by him and communicate a copy of the order to the licensee:

Provided that, where a cancellation of the license is duly ordered by the licensing authority, the order of cancellation shall also be accompanied by an order forfeiting the entire deposit.

- (2) If a licensee carries on business as wholesale dealer after the date of expiry of his license without applying for renewal thereof before that date then,

## **The Maharashtra Scheduled Commodities Whole-Sale Dealers' Licensing Order, 1998**

- (i) Where the licensee applies for the renewal of his license before the 31<sup>st</sup> day of January of the year next following the date of expiry of the license, the licensing authority may, by order in writing forfeit to Government 25 percent of the security deposit deposited by him; and.
  - (ii) Where the licensee does not apply for the renewal of his license before the 31<sup>st</sup> day of January of the said year, by order, in writing forfeit to Government the whole of the security deposit deposited by him.
- (3) If by reasons of forfeiture under sub-clause (1) or sub-clause (2) the amount of security deposit kept by the licensee falls short of the amount required to be deposited by him under clause 8, he shall, on being required to do so, forthwith deposit further security to make up that amount.
- (4) If, at any time, the licensee surrenders his license to the licensing authority or if within thirty days from the date of expiry of his license, he gives an intimation to the licensing authority that he does not desire to continue his business as a wholesale dealer in any of the scheduled commodities, the licensing authority shall return to the licensee the whole of the amount of the security deposit deposited by him, or as the case may be, such part thereof as has not been forfeited earlier.]

**Clause 12 is printed twice in MGG - in both the parts i.e. in Ordinary and in Extra-ordinary parts- 4-A. It is apperent that text at both the places is different. Readers to note.**

### **13. Maintenance of registers of transactions.**

Every licensee shall maintain register of transactions as laid down in the terms conditions of his license and show therein the names, addresses and such other particulars of transactions as the licensing authority may specify.

### **14. Form of returns and time and manner of sending it.**

Every licensee shall in respect of each commodity submit to the licensing authority a true return '+{in revised Form "D" appended to this Order every fortnight}', so as to reach the licensing authority within five days after the closer of that month.

**+ Substituted for the words "in Form 'D' every month" by Notification No. ECA. 1798/1470/CR-7116/CS-23. dated 05.04.1999.**

### **15. Power of entry, examination, search, seizure etc.**

- (1) With a view to securing compliance of this Order or satisfying himself that this

Order has been complied with, any police officer not below the rank of sub-Inspector, or any officer of Government in the Food and Civil Sub-Police department or Rationing Inspector in the Mumbai Rationing Area and elsewhere the Supply Inspector, within their respective jurisdiction, may-

- (a) Stop and search any person or any boat, vessel, motor or other vehicle or any receptacle used or intended to be used by the licensee;
- (b) enter, search or examine any place;

Provided that, in exercising the power of entry due regard shall be paid by such officer to the social and religious customs of the occupants of the premises;

- (c) seize-
    - (i) any stock of scheduled commodities in respect of which he has reason to believe that a contravention of any provisions of this order has been or is being or is about to be committed;
    - (ii) any package, coverings or receptacles in which such stock of any scheduled commodity is found;
    - (iii) the +[- - -] vehicles, vessels or other conveyances used in carrying any scheduled commodity if he has reason to believe that such +[- - -] vehicles, vessels or other conveyances are liable to be forfeited under the provisions of the Essential Commodities Act, 1955 (10 of 1955) and thereafter;
    - (iv) take or authorize the taking of all measures necessary for securing the production of the packages, coverings, receptacles, +[- - -] vehicles, vessels or other conveyances so seized before the Controller of Rationing in the Mumbai Rationing Area, and elsewhere the Collector of the District or the judicial authority appointed to hear appeal under section 6-C of the said Act, if required to do so, and for their safe custody rendering such production;
  - (d) examine or seize any books of accounts or documents which in his opinion would be useful for, or relevant to, any proceeding in respect of any contravention of this Order and allow the persons from whose custody such books of accounts or documents are seized to take copies thereof or to take extracts therefrom in his presence.
- (2) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) relating to search and seizure shall, so far as may be, apply to searched and seizures under this clause.



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**+ The word "animals" deleted by Notification No. ECA. 1798/1470/CR-7116/CS-23, dated 05.04.1999.**

### **16. Appeal.**

- (1) Any person aggrieved by any order of the licensing authority refusing to issue or to renew a license or of cancelling or suspending a license or forfeiting the security deposit deposited by him under the provisions of this order may appeal in the Mumbai Rationing Area, to Government or such Officer not below the rank of Deputy Secretary to Government in the food, Civil Supplies and Consumer Protection Department of Government as may be designated by Government for the purpose and elsewhere to the Deputy Commissioner (Supply) of the Division.
- (2) Every such appeal shall be made within thirty days of the date of receipt of the order appealed against by the person appealing;  
  
Provided that the Appellate Authority may, admit an appeal after the expiry of the said period if, the appellant Satisfies the Appellate Authority that he had sufficient cause for not preferring the appeal within the said period.
- (3) No order shall be made by the appellate authority under this clause unless the aggrieved person has been given a reasonable opportunity of stating his case.
- (4) Pending the disposal of the appeal, the appellate authority may direct that the order of the licensing authority shall not take effect until the appeal is disposed off.

### **17. Review of revision.**

- (1) Government may, at any time before the expiry of one year from the date of any order passed by the licensing authority or any other competent authority under this Order, call for the records of the proceedings underlying such order for the purpose of satisfying itself as to the legality or propriety of such order or as to the regularity of such proceedings and if it shall appear to the State Government that such order or proceedings should be modified, annulled or confirmed, it may pass such order as it deems fit:  
  
Provided that, no Order shall be made under this clause unless the person who is likely to be aggrieved thereby has been given a reasonable opportunity of stating his case;
- (2) Pending the disposal of the review or revision proceedings under this clause, the State Government may direct that the order passed by the licensing authority or other competent authority shall not take effect until an order is passed by it.

**18. Special provisions as respect of persons holding existing licenses.**

- (1) Every person holding an existing license and intending to carry on business as wholesale dealer in any of the scheduled commodities after the commencement date, shall within ninety days from the commencement date surrender his existing license to the licensing authority and obtain in exchange thereof from that authority, a license under this Order.
- (2) A person applying for a license under this order in exchange of his existing license may also apply to the licensing authority to adjust the amount of the fees paid and the amount of security deposit deposited +[and the amount of renewal fees paid shall] in respect of his existing license towards the amount of the fees and the amount of security deposit required to be paid by him in respect of the license under this order.
- (3) On receipt of an application under sub-clause (2) for adjustment of fees and an amount of security deposit paid by the applicant in respect of an existing license, the licensing authority shall determinethe amount to be adjusted and shall refund to the applicant or, as the case may be, require the applicant to pay, the difference between the amount paid by the applicant in respect of the existing license and the amount required to be paid by him in respect of the license applied for.

+ **Inserted by Notification No. ECA.1798/1470/CR-7116/CS-23, dated 05.04.1999.**

**19. Cessor of certain orders or commencement date.**

On and from the commencement date-

- (1) the Maharashtra Food grains Dealers' Licensing Order, 1963;
- (2) the Maharashtra Sugar Dealers' Licensing Order, 1963;
- (3) the Maharashtra Gur and Khandsari Dealers' Licensing Order, 1963;
- (4) the Maharashtra Hydrogenated Vegetable Oils Dealers' Licensing Order, 1970;
- (5) the Maharashtra Scheduled Oil-seeds and Oils (Dealers and Millers) Licensing Order, 1977; and
- (6) the Maharashtra Pulses (Dealers and Millers) Licensing Order, 1977;

Shall cease to apply in relation to whoesale dealer in any of the scheduled commodities;

Provided that such cessor shall not affect.

- (i) the previous operation of the said licensing order or anything duly done or suffered thereunder; or

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- (ii) any right, privilege, obligation or liability acquired, accrued or incurred under any of the said licensing orders; or
- (iii) any penalty, forfeiture or punishment incurred in respect of any offence committed against any of the said licensing orders; or
- (iv) any investigation, legal proceedings or remedy in respect of any such right privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such penalty, forfeiture or punishment, may be imposed as if this order had not been made.

### प्रपत्र "अ"

#### (खंड ४ (१) पहावे)

महाराष्ट्र अनुसूचित वस्तु घाऊक व्यापार अनुज्ञप्ती आदेश, १९९८ खाली

अनुज्ञप्तीसाठी अर्ज प्रपत्र भरण्यासाठी अर्जदाराला सूचना

- (एक) अर्जाच्या प्रपत्रामध्ये अभिलेखित केलेल्या सर्व नोंदी सुवाच्च अक्षरात अर्जातील प्रपत्रामध्ये असलेल्या भाषेत असाव्यात.
- (दोन) अर्जाच्या प्रपत्रातील सर्व नोंदी भरण्यात याव्यात, जेथे माहिती "निरंक" "लागू होत नाही" वगैरे आहे तेथे जागा कोरी न सोडता तसे लिहावे.
- (तीन) जेथे अर्जदाराचे नाव, धंदा वगैरे नमूद करणे आवश्यक आहे तेथे संक्षिप्त लिहू नये.
- (चार) फक्त अनुज्ञापक प्राधिकाऱ्यांच्या अधिकार क्षेत्रात येणाऱ्या गोदामाच्या व धंद्याच्या ठिकाणाचे पत्ते नमूद करावे.
- (पाच) तपासणी केल्यानंतर दिलेली माहिती खोटी असल्याचे किंवा दडविल्याचे आढळल्यास अर्जदार दंडात्मक शिक्षेला पात्र होईल आणि पूर्वीच दिलेली अनुज्ञप्ती रद्द करण्यास अधीन राहील.
- (सहा) जर अर्ज करण्याच्या दिनांकाला अर्जदार विद्यमान अनुज्ञप्ती धारण करणारा असेल तर त्यांनी अनुज्ञापक प्राधिकाऱ्याला विद्यमान अनुज्ञप्तीसाठी भरलेली शुल्काची व प्रतिभूती ठेवीची रक्कम, अर्ज केलेल्या अनुज्ञप्तीच्या संबंधी भरणे आवश्यक असलेल्या शुल्काची व प्रतिभूती ठेवीच्या रकमेमध्ये समायोजित करण्यासाठी अर्ज देणे आवश्यक राहील.
- (सात) अनुज्ञप्तीधारक, त्याची इच्छा असल्यास आणि अनुज्ञप्ती टपालाने पाठविण्यास येणारा खर्च रुपये २० भरण्यास तयार असल्यास त्याची अनुज्ञप्ती घरपोच केली जाईल.

प्रति,

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अनुज्ञापक प्राधिकरण

महोदय,

मी/आम्ही ..... विनंती करतो की मला/आम्हाला खालील अनुसूचित वस्तूमध्ये घाऊक व्यापार करण्यासाठी अनुज्ञाप्ती मंजूर करावी.

(१) .....	येथे अर्जदार ज्या अनुसूचित वस्तुंसाठी घाऊक व्यापार करू इच्छितो ते नमुद करावे.
(२) .....	
(३) .....	
(४) .....	
(५) .....	
(६) .....	

मी/आम्ही आवश्यक असलेली माहिती पुढे देत आहे/ आहोत. ही माहिती माझ्या/आमच्या माहितीनुसार सत्य आहे.

(१)	अर्जदाराचे नाव :	
(२)	अर्जदाराचा व्यवसाय व व्यवसायाचा पत्ता :	
(३)	अर्जदाराचे निवासस्थान :	
(४)	अर्जदाराच्या धंद्याच्या जागेचे ठिकाण किंवा जागांची ठिकाणे, घर क्रमांक, मोहल्ला, शहर किंवा गाव, पोलीस स्टेशन आणि जिल्हा यांच्या तपशीलासह :	
(५)	अर्जदार अनुसूचित वस्तुचा व्यापार केव्हा पासून करित आहे?	
(६)	अर्जदाराने महानगरपालिका/नगरपालिका जिल्हा परिषद/पंचायत समिती/ गाव पंचायत किंवा कोणतेही इतर स्थानिक प्राधिकरण यांच्याकडून व्यापार किंवा कोणतीही इतर अनुज्ञाप्ती धारण केली आहे का? आणि असेल तर त्याचा क्रमांक व दिल्याचा दिनांक द्यावा.	
(७)	अर्जदाराने यापुर्वी कोणत्या अनुसूचित वस्तुकरिता अनुज्ञाप्ती धारण केली होती का? जर असेल, त्याचे निलंबन किंवा रद्द करण्यात आल्याचा तपशील द्यावा.	
(८)	गेल्या तीन वर्षांच्या कालावधीत संबंधीत अनुसूचित वस्तुंच्या वार्षिक व्यवहाराचे परिमाण.	

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(९)	चालू वर्षी होणाऱ्या अनुसूचित वस्तुचे संभाव्य व्यवहाराचे परिमाण	
(१०)	अर्जाच्या वर्षाच्या मागील दोन वर्षात भरलेला प्राप्तिकर (वेगवेगळा दाखविणे)	(१) (२)
(११)	अर्ज करण्याच्या दिनांकाला अर्जदाराच्या ताब्यात असलेल्या अनुसूचित वस्तुचे परिमाण आणि कोणकोणत्या ठिकाणी किती परिमाणात	
	(प्रत्येक वस्तुसाठी आकडेवारी वेगळी दर्शवावी)	

मी घोषित करतो की, वर नमूद केलेल्या विनिर्दिष्ट परिमाणातील अनुसूचित वस्तू आजच्या दिवसाला माझ्या ताब्यात आहेत व ते त्यांच्यासमोर नमूद केलेल्या ठिकाणी ठेवण्यात आलेल्या आहेत.

मी महाराष्ट्र अनुसूचित वस्तु घाऊक व्यापार अनुज्ञप्ती देण्याबाबत आदेश, १९९८ ला जोडण्यात आलेल्या नमुना "क" मध्ये देण्यात आलेल्या अनुज्ञप्तीच्या अटी काळजीपूर्वक वाचल्या आहेत व त्यांचे पालन करण्याचे मी मान्य करतो.

\* (अ) मी या अगोदर या जिल्ह्यात अशा प्रकारच्या अनुज्ञप्तीसाठी अर्ज केलेला नाही.

(ब) मी अशा प्रकारच्या अनुज्ञप्तीसाठी या जिल्ह्यात दिनांक रोजी अर्ज केलेला होता आणि दिनांक रोजी अनुज्ञप्ती मंजूर करण्यात आली होती/नव्हती.

\*जे खंड लागू होणार नाही ते खोडावे.

ठिकाण :

तारीख :

अर्जदाराची सही

(कार्यालयीन उपयोगासाठी)

(१) हा अर्ज प्राप्त झाल्याचा दिनांक :

(२) अनुज्ञप्तीचे शुल्क रुपये :

(३) प्रतिभूतीची ठेव म्हणून रुपये :

(४) अर्जदाराने विद्यमान अनुज्ञप्तीसाठी भरलेली अनुज्ञप्ती शुल्क व प्रतिभूती ठेव याची रक्कम अर्ज केलेल्या अनुज्ञप्तीच्या अनुज्ञप्ती शुल्क आणि प्रतिभूती ठेवीमध्ये समायोजन केल्याबाबतचा आणि विद्यमान अनुज्ञप्तीचा तपशील :

(५) अर्जदाराला दिनांक ..... रोजी बोलविण्यात आले आहे.

- \* (अ) अर्जदार अनुज्ञप्ती क्रमांक ..... दिनांक ..... रोजी अर्जदाराला देण्यात आले/  
टपालाने पाठविण्यात आले.
- \* (ब) अनुज्ञप्ती मंजूर करण्याची विनंती फेटाळण्यात आली.
- (क) अनुज्ञप्ती दिनांक ..... रोजी मिळाली.

स्वाक्षरी

अनुज्ञापक प्राधिकारी

अर्जदाराची सही व दिनांक

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\*जे लागू नाही ते खोडावे.

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**प्रपत्र “ब”**

(खंड ६(१) पहावा.)

अनुज्ञप्तीचे नूतनीकरण करण्यासाठी महाराष्ट्र अनुसूचित वस्तू घाऊक व्यापार अनुज्ञप्ती आदेश,  
१९९८ खाली करावयाचा अर्ज.

प्रति

(येथे अनुज्ञापक प्राधिकाऱ्याचे नाव नमूद करावे.)

महोदय,

मी /आम्ही .....

(येथे अर्जदाराचे नाव नमूद करावे.)

येथे विनंती करतो की, माझी/आमची अनुज्ञप्ती क्रमांक .....

दिनांक ..... रोजी मला/आम्हाला घाऊक

व्यापाराचा व्यवसाय करण्यासाठी दिनांक ..... रोजी

दिली होती. तिचे दिनांक ..... पासून

(येथे नूतनीकरण केल्यानंतर शेवटच्या दिनांकाच्या अगोदरच्या दिनांक नमूद करावा.)

पुढील पाच वर्षांच्या कालावधीतकरीता नूतनीकरण करून द्यावे. तिची वैधता किंवा समाप्ती दिनांक .....

..... ला आहे.

(येथे अनुज्ञप्तीची वैधता संपल्याचा शेवटचा दिनांक नमूद करावा.)

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१. मी/आम्ही विनंती करतो की, अनुज्ञप्तीमधील खालील नोंदी प्रत्येक नोंदीसमोर दर्शविल्याप्रमाणे सुधारित करण्यात याव्यात :-

विद्यमान नोंदी	इच्छीत बदल
(१) .....	(३) .....
(२) .....	(२) .....
(३) .....	(१) .....

२. मी/आम्ही असे जाहीर करतो आणि नमूद करतो की, अनुज्ञप्ती मंजूर करण्याच्या अर्जांमध्ये मी/आम्ही बाबी क्रमांक १, २, ३, ४, ५, ६, ९, १० व १२ मध्ये दिलेला तपशील अजूनही लागू आहे. मी/आम्ही बाब क्रमांक ७, ८ ..... मध्ये दिलेला तपशील पुढीलप्रमाणे आहे :-

(आवश्यक असल्यास येथे इतर बाब नमूद करावी.)

बाब क्रमांक	सध्याची स्थिती
(१) (७)	
(२) (८)	
(३) कोणतीही इतर बाब	

३. मी/आम्ही जाहीर करतो की नूतनीकरण करावायाच्या अनुज्ञप्तीमध्ये नमुद केलेले इतर सर्व तपशील, कमी करण्याची किंवा वाढविण्याची किंवा सुधारणा करण्याची आवश्यकता नाही.

दिनांक :

अर्जदाराची स्वाक्षरी

**(कार्यालयीन उपयोगासाठी)**

- (१) हा अर्ज मिळाल्याचा दिनांक .....
- (२) नूतनीकरणाचे शुल्क रुपये ..... मिळाले.
- (३) अर्जदाराला दिनांक ..... रोजी बोलविले होते.
- \* (अ) अनुज्ञप्ती क्रमांक ..... नूतनीकरण करण्यात आली आणि अर्जदाराला दिनांक ..... रोजी दिली.
- \* (ब) अनुज्ञप्ती नूतनीकरण करून देण्याची विनंती फेटाळली/अनुज्ञप्ती नूतनीकरण करून प्राप्त झाली.

अर्जदाराची स्वाक्षरी आणि दिनांक

\*जे लागू नाही ते खोडावे.

## नमुना 'क'

(खंड ४ (२) पहवे)

महाराष्ट्र अनुसूचित घाऊक व्यापाराची अनुज्ञप्ती आदेश, १९९८ अनुसूचित वस्तू  
खरेदी/ विक्री/ विक्रीसाठी साठवणूक करण्यासाठी अनुज्ञप्ती

अनुज्ञप्ती क्रमांक :

१. महाराष्ट्र अनुसूचित वस्तू घाऊक व्यापाराची अनुज्ञप्ती आदेश, १९९८ च्या तरतूदींच्या व अनुज्ञप्तीच्या शर्तीला अधीन राहून ..... यांना याद्वारे खालील अनुसूचित वस्तूची खरेदी/ विक्री किंवा विक्रीकरिता साठवणूक करण्यासाठी घाऊक व्यापारी म्हणून प्राधिकृत करण्यात येत आहे :-

अनुसूचित वस्तूचे नाव	परिणाम मर्यादा, काही असल्यास
(१)	
(२)	
(३)	

२. (अ) अनुज्ञप्तीधारक उपरोक्त व्यवसाय खालील जागेत करील :-

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.....  
.....

- (ब) अनुज्ञप्तीधारक ज्याला उपरोक्त धंदा चालवायचा आहे, अनुसूचित वस्तूंचा खाली उल्लेखिलेल्या गोदामाव्यतिरिक्त इतर कोणत्याही ठिकाणी साठविणार नाही.

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टीप - अनुज्ञप्तीधारकाला वर नमुद केलेल्या ठिकाणशिवाय इतर ठिकाणी त्याला अनुसूचित वस्तूचा साठा ठेवण्याची इच्छा असल्यास, त्याने त्याबाबत प्रत्यक्ष असे गोदाम कब्जात घेतल्यापासून ४८ तासांत कळविले पाहिजे व अनुज्ञप्ती, बदल करण्यासाठी, अनुज्ञप्ती प्राधिकरणाला सादर केलेली पाहिजे.

३. (१) राज्य शासनाने किंवा अनुज्ञप्ती प्राधिकरणाने याबाबत विशेषतः सूट दिल्याशिवाय अनुज्ञप्तीधारकाने दैनंदिन हिशोबाच्या नोंदवहीत अनुसूचित वस्तूंच्या व्यवहारासंबंधी किंवा देवीघेवीसंबंधी पुढील



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माहिती अचूकरित्या दर्शाविली पाहिजे.

(अ) प्रत्येक दिवसाचा प्रारंभिक साठा,

(ब) प्रत्येक दिवशी मिळालेल्या साठ्याचे परिमाण, तो कोठून व कोणाकडून प्राप्त झाला.

(क) प्रत्येक दिवशी बटवडा केलेला किंवा अन्यत्र हलविलेल्या साठ्याचे परिमाण, तेथे पोचविला किंवा हलविला ते ठिकाण आणि

(ड) प्रत्येक दिवसाअखेरचा साठा.

- (२) अनुज्ञप्तीधारकाने प्रत्येक दिवशी त्या दिवसाशी संबंधित हिशोब पूर्ण केला पाहिजे. अन्यथा वाजवी कारणाने प्रतिबंध झाल्याचे सिद्ध करण्याची जबाबदारी त्याच्यावरच राहिल.
- (३) अनुज्ञप्तीधारक स्वतः उत्पादक असेल व त्याच्या स्वतःच्या उत्पादनांचा साठा त्याच्या धंद्याच्या जागेत साठविण्यात येत असेल तर, तो साठा रोजच्या लेख्यामध्ये वेगळा दर्शाविल.
४. (१) राज्य शासन किंवा या बाबतीत राज्य शासनाने प्राधिकृत केलेला अधिकारी यांनी विशेषरीत्या, सुट दिल्याशिवाय प्रत्येक अनुज्ञप्तीधारक घाऊक व्यापारी असल्यास अनुसूचित वस्तूचे साठे, मिळालेल्या वस्तू आणि पाठविण्यात आलेल्या अनुसूचित वस्तू यासंबंधीचे खरे विवरण नमुना "ड" मध्ये प्रत्येक पंधरवड्याच्या (१ ते १५ आणि १६ ते महिनाअखेरपर्यंत) त्यामध्ये खरेदीची सरासरी किंमत, पंधरवड्यात झालेल्या प्रत्येक अनुसूचित वस्तूची विक्री आणि त्याने पंधरवड्याच्या कालावधीत विकलेल्या प्रत्येक वस्तूच्या साठ्यासंबंधीची त्याची सीमा हे सुध्दा दर्शवून जेणेकरून अनुज्ञप्ती प्राधिकरणाला पंधरवडा संपल्यापासून तीन दिवसांच्या आत त्यांना पोहोचेल अशा रीतीने त्यांचेकडे सादर करील.
- (२) शासन किंवा या बाबतीत राज्य शासनाने प्राधिकृत केलेला अधिकारी यांनी विशेषरीत्या सूट दिल्याशिवाय अनुज्ञप्तीधारक किरकोळ व्यापारीसुद्धा असल्यास अनुसूचित वस्तूचे साठे, मिळालेल्या वस्तू आणि पाठविण्यात आलेल्या वस्तू यासंबंधीचे खरे विवरण नमुना "ड" मध्ये प्रत्येक पंधरवड्याला (१ ते १५ आणि १६ ते महिनाअखेरपर्यंत) अनुज्ञप्ती प्राधिकरणाकडे पंधरवडा संपल्यापासून तीन दिवसांच्या आत त्याला पोहोचेल अशा रीतीने त्यांचेकडे सादर करील.
५. अनुज्ञप्तीधारक महाराष्ट्र अनुसूचित वस्तू घाऊक व्यापाराची अनुज्ञप्ती आदेश १९९७ किंवा अत्यावश्यक वस्तू अधिनियम, १९९५ खालील वस्तू सामग्री संबंधित इतर कोणत्याही आदेशाच्या तरतुदींचा भंग करणार नाही.
६. अनुज्ञप्तीधारक वेळोवेळी अमलबजावणीत असलेल्या अनुसूचित वस्तू सामग्रीच्या संबंधित कोणत्याही कायद्याच्या तरतुदींचे उल्लंघन करणार नाही.

७. अनुज्ञप्तीधारक -

(एक) अनुसूचित वस्तूची खरेदी, विक्री किंवा विक्रीसाठी साठा यांचा अंतर्भाव होणारा कोणताही व्यवहार उक्त अनुसूचित वस्तूचा पुरवठा बाजारात सतत राहण्यास व जो सहज उपलब्ध होण्यास बाधक ठरेल अशा पद्धतीने कोणताही व्यवहार करणार नाही.

(दोन) सामान्यतः विक्रीसाठी ठेवलेल्या अनुसूचित वस्तूचा पुरवठा विक्रीपासून रोखून धरणार नाही, किंवा

(तीन) तो विक्री करीत असलेल्या अनुसूचित वस्तू संबंधीच्या किंमतीमध्ये नफ्याची मर्यादा -

(अ) अत्यावश्यक वस्तू अधिनियम, १९५५ (१९५५ चा १०) किंवा भारतासाठी सुरक्षा शासनाने जेथे नफ्याची मर्यादा निश्चित केलेली आहे अशा निश्चित केलेल्या नफ्याच्या मर्यादेपेक्षा अधिक असणार नाही, आणि

(ब) इतर प्रकरणामध्ये विक्रीच्या वेळी बाजारात प्रचलित असलेल्या दरापेक्षा किंवा राज्य किंवा केंद्र शासनाने यथिस्थिती अनुसूचित वस्तूमध्ये घाऊक किंवा किरकोळ व्यवहारासाठी स्थानिक जिल्हा किंवा संपूर्ण राज्यासाठी कोणत्याही निश्चित केलेल्या दरापेक्षा अधिक असणार नाही

८. अनुज्ञप्तीधारी जर घाऊक व्यापारी असेल तर तो, सामान्यतः इतर घाऊक व्यापारांना व किरकोळ व्यापाऱ्यांना (आणि जर तो किरकोळ विक्रीसुद्धा करीत असेल तर त्याला स्वतःला सुद्धा) अनुसूचित वस्तूची विक्री करील. तसेच त्याला, घाऊक दराने एक पोते किंवा त्याहून अधिक परिमाणात ग्राहकांना परस्पर अनुसूचित वस्तूची विक्री करता येईल. घाऊक व्यापाऱ्यांना किंवा किरकोळ व्यापाऱ्यांना किंवा ग्राहकांना केलेल्या अशा सर्व विक्रीच्या स्वतंत्र नोंदवहीमध्ये तो हिशोब ठेवील आणि ती नोंदवही व रोखीचे टिपण अनुज्ञप्ती प्राधिकाऱ्यास किंवा त्याबाबत त्याने प्राधिकृत केलेल्या अधिकाऱ्यास, त्याने मागणी केल्यावर निरीक्षणासाठी सादर करील.

९. अनुज्ञप्तीधारक व्यवसायाच्या जागेतच प्रवेशद्वारापाशी किंवा ठळकपणे लक्ष वेधून घेईल अशा ठिकाणी, विक्रीसाठी बाळगलेल्या अनुसूचित वस्तूची दरसूची दर्शित करील. अशी किंमतीसंबंधीची यादी स्थानिक क्षेत्रातील प्रमुख भाषेमध्ये स्पष्टपणे लिहिण्यात येईल. विविध प्रकारच्या अनुसूचित वस्तूची किंमत वेगवेगळी दर्शवील.

१०. तीन किलोग्रॅम्स/ तीन किलोलिटर किंवा अधिक अनुसूचित वस्तूच्या प्रत्येक विक्रीसाठी अनुज्ञप्तीधारक प्रत्येक विक्रीसाठी अनुज्ञप्तीधारक प्रत्येक ग्राहकास यथायोग्य पावती किंवा बीजक देईल, ज्यावर स्वतःचे नाव, पत्ता, अनुज्ञप्ती क्रमांक, ग्राहकाचे नाव, पत्ता आणि अनुज्ञप्ती क्रमांक (असल्यास) व्यवहाराचा दिनांक, विक्रीचे परिमाण, प्रति क्विंटलची किंमत आणि आकारलेली एकूण किंमत दर्शवील आणि त्याची दुय्यम प्रत ठेवून ती अनुज्ञापन प्राधिकारी किंवा त्यांनी प्राधिकृत केलेल्या कोणत्याही अधिकाऱ्याला मागणी केल्यास तपासणीसाठी उपलब्ध करून देईल.

## The Maharashtra Scheduled Commodities Whole-Sale Dealers' Licensing Order, 1998

११. अनुज्ञप्तीधारक, अनुज्ञापन अधिकारी किंवा त्याने किंवा राज्य शासनाने प्राधिकृत केलेला कोणताही अधिकारी कोणत्याही अनुसूचित वस्तूची साठवणूक, विक्री किंवा खरेदीसाठी वापरण्यात येणारे कोणतेही दुकान, गोदाम किंवा इतर ठिकाणी अनुसूचित वस्तूचे साठे व हिशोब तपासण्यासाठी आणि परिक्षणासाठी नमुने घेण्याकरिता सर्वदा वाजवी वेळात सर्व सुविधा देईल.
१२. अनुज्ञप्तीधारक, अनुसूचित वस्तूची खरेदी, विक्री आणि विक्रीसाठी साठवणूक याबाबत किंवा परिच्छेद ३, ४ किंवा १० मध्ये उल्लेखिलेल्या नोंदवही, विवरणपत्रे, पावत्या किंवा बिजके कोणत्या भाषेत लिहावीत, तथा परिच्छेद ३ मध्ये नमूद केलेल्या नोंदवहीची अधिप्रमाणन व परिरक्षा याबाबत राज्य शासन (किंवा अनुज्ञापन प्राधिकरण) जे निदेश देतील त्यांचे पालन करील.
१३. अनुज्ञप्तीधारकाने त्याने केलेला अनुसूचित वस्तूचा साठा चांगल्या स्थितीत राहण्यासाठी पुरेसे उपाय योजले पाहिजेत, व त्याचे जमिनीचा ओलावा, पाऊस, किटके, उंदीर, पक्षी, आग व इतर कारणामुळे होणारे नुकसान टाळले पाहिजे. जमिनीच्या ओलाव्यापासून नुकसान होऊ नये यासाठी आवश्यक वाटल्यास योग्य निरीमाचा (तळाशी घालावयाचा लाकडाचा) उपयोग करावा, अशा अनुसूचित वस्तूंबरोबर रासायनिक खते, कीटकनाशके आणि दूषित करणारी विषारी रसायने ही एकाच गोदामात किंवा दुकानात किंवा अशा अनुसूचित वस्तूंच्या निकटच्या सानिध्यात ठेवू नयेत. तसेच अशा अनुसूचित वस्तूंची विक्री करताना ते चांगल्या स्थितीत असेल याचीदेखील खात्री करावी.
१४. ही अनुज्ञप्ती कोणत्याही नूतनीकरणाच्या अर्जाला जोडण्यात यावी.
१५. ही अनुज्ञप्ती दिनांक ..... पर्यंत विधीग्राह्य राहिल.

ठिकाण :

तारीख :

(अनुज्ञप्ती प्राधिकारी)

प्रपत्र "ड"

(खंड १४ पहावा.)

(अनुज्ञप्तीधारकाच्या उपयोगासाठी)

साठा, आवक आणि विक्रीचे पंधरवडा, दिनांक

१९९९ चे विवरणपत्र

प्रति

अनुज्ञापक प्राधिकारी,

नाव :

अनुज्ञप्ती क्रमांक :

पत्ता :

तपशील :

गोदाम :

किलोलिटर/क्विंटलमध्ये परिणाम

अनुज्ञप्ती क्रमांक		अनुज्ञप्ती क्रमांक	
वस्तू	अन्नधान्य	वस्तू	कडधान्ये कडधान्य (संपूर्ण) डाळी
प्रकार		प्रकार	
प्रारंभी साठा		प्रारंभी साठा	
खरेदी		खरेदी	
विक्री		विक्री	
अंतिम साठा		अंतिम साठा	

अनुज्ञप्ती क्रमांक				अनुज्ञप्ती क्रमांक			
वस्तू	खाद्यतेले			वस्तू	इतर वस्तु कडधान्य (संपूर्ण) डाळी		
प्रकार	खाद्यतेले	वनस्पती	तेलबिया	प्रकार	साखर	गूळ	खांडसरी
प्रारंभी साठा				प्रारंभी साठा			
खरेदी				खरेदी			
विक्री				विक्री			
अंतिम साठा				अंतिम साठा			

अनुज्ञप्तीधारकाची सही

# The Maharashtra Scheduled Commodities Whole-Sale Dealers' Licensing Order, 1998

## Schedule Schedule Commodities [See Clause 2(X)]

+ [1. Gur and khandsari-

2. Pulses-

(i) Urd	..	..	..
(ii) Moong	..	..	..
(iii) Arhar	..	..	..
(iv) Masoor	..	..	..
(v) Lohis	..	..	..
(vi) Rajmha	..	..	..
(vii) Gram including Peas	..	..	..

3. Hydrogenated Vegetable Oils Any Vegetable Oils subjected to a process hydrogenation.

+ Clauses 1, 2, 4 and 5 deleted and clauses 3, 6 and 7 renumbered accordingly by Notification No.ECA.1003/598/CR-178/CS-23, dated 4.8.2003, w.e.f. 17.3.2002.

By order in th name of the Governer of Maharashtra

M.R.JOSHI,

Joint Secretary to Government.

(MGG- Part 4A – Extra – 19.12.1998 – Page 1 – S. No.145)

## MAHARASHTRA SCHEDULED COMMODITIES WHOLE-SALE DEALERS' LICENSING ORDER, 2015.

### Food, Civil Supplies And Consumer Protection Department

Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya Annexe, Mumbai 400 032,  
dated the 22nd April 2015

#### Order

Essential Commodities Act, 1955.

**No. ECA, 2010/CR-198/CS-23.** – Where as the Government of Maharashtra issued one consolidated order in the public interest namely Maharashtra Scheduled Commodities Wholesale Dealer's Licensing Order, 1998 in place of six orders namely:-

- (i) Foodgrains Dealer's Licensing Order, 1963, (ii) the Maharashtra Sugar Dealers Licensing Order, 1963, (iii) the Maharashtra Gur and Khandsari Dealers' Licensing Order, 1963, (iv) the Maharashtra Hydrogenated Vegetable Oils Dealer's Licensing Order 1970, (v) the Maharashtra Scheduled Oilseeds and Oils (Dealers: and Millers) Licensing Order, 1977 and (vi) the Maharashtra Pulses (Dealers and Millers) Licensing Order, 1977 ;

And Whereas, the Government of Maharashtra now decided to reconstruct the Maharashtra Scheduled Commodities Wholesale Dealer's Licensing Order, 1998;

Now, therefore, in exercise of the powers conferred by clauses (c), (d), (e), (h), (i), (ii) and (j) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Government of India, Ministry of Industries and Civil supplies (Department of Civil Supplies and Co-operation) order No. S.O. 681 (E), dated the 30th November, 1974 and Order No. S. O. 682 (E), dated 30th November, 1974 and the Government of Indian Ministry of Agriculture and Irrigation (Department of Food) Order No. G. S. R. 800, dated 9th June, 1978 and of all other powers enabling it in this behalf and in suppression of all the previous Orders issued in this behalf and with the prior concurrence of the Central Government *vide* its letters dated 7th August 2014 and 5th September 2014, the Government of Maharashtra hereby makes the following order, namely :-

- (1) *Short-Tiite, Extent- and Commencement* :—(1) This Order may be called -The Maharashtra Scheduled Commodities Wholesale Dealer's Licensing Order, 2015.
- (2) It extends to the whole of the State of Maharashtra.
- (3) It shall come into force from the date of its publication in the *Official Gazette*. 2. *Definitions.*-In this Order unless the context otherwise requires,—

## **The Maharashtra Scheduled Commodities Wholesale Dealer's Licensing Order 2015**

- (a) "Collector" in Mumbai Rationing Area means the Controller of Rationing and includes any Deputy or Assistant Controller of Rationing and elsewhere means the Collector of the district and includes and Additional Collector, the District Supply Officer, an Assistant District Supply Officer, the Tahsildar and such other officer or officer, is, may be authorised by the Collector in this behalf within their respective jurisdiction;
- (b) "Commencement date" means the date of commencement of this order;
- (c) "Commissioner" means Commissioner for a Division appointed under the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) and includes Deputy Commissioner (Supply);
- (d) "Dal Mill"- means the plant and machinery with which and the premises(including the precincts thereof ) in which or in any part of which a process of milling of pulses is being carried on or is ordinarily so carried on ;
- (e) "Dealer" means any person engaged in the business of purchase, movement, sale, supply, distribution or storage for sale of any one or more of the scheduled commodities whether as a wholesaler or retailer or producer or manufacturer or exporter or importer and whether or not in conjunction with any other business and includes his representative or agent, but does not include a producer or miller or manufacturer or importer or exporter of sugar ;
- (f) "Edible Oil" means any oil used for cooking for human consumption and includes hydrogenated vegetable oils:
- (g) "Edible Oilseeds" means seeds from which edible oils are prepared ;
- (h) "Existing licence" means a licence issued under the Maharashtra Scheduled Commodities Wholesale Dealer's Licensing Order 1998, and in force on the commencement date ;
- (i) "Foodgrains" Means any one or more of the foodgrains specified in the schedule - appended to this order including products of such foodgrains other than husk-and bran and also includes seeds of such foodgrains which are certified or truthfully labelled under the provision of Seeds Act, 1966 (54 of 1966) and the rule made thereunder ;
- (j) "Form" means a form appended to this order ;
- (k) "Government" means the Government of Maharashtra :

- (l) “Gur” means article commonly known as gur, gol, jiggery, rab and jaggery powder or shakkar, including uncrystalised sugar in any other form, comprising of original and convertible molasses and other impurities, inherent of foreign prepared by boiling sugarcane juice but does not include raw sugar and Palmyra jaggery ;
- (m) “Khandsari” means a sugar in the manufacture of which neither vacuum pan or a vacuum evaporator is employed ;
- (n) “Licence” - means a licence granted under this Order;
- (o) “Licencee” means a person holding a licence ;
- (p) “Licensing Authority” in relation to any area forming part of the Mumbai Rationing Area, means any officer not below the rank of Assistant Controller of Rationing who may be appointed to be licensing authority for that area by the Controller of Rationing and in relation to any other area means the Tahsildar having jurisdiction over that area or any other officer not below the rank of Tahsildar Food Distribution Officer, Pune, Solapur and Nagpur who may be appointed either by Collector or Government to be licensing authority for that area. ;
- (q) “Miller” mean the owner, occupier or any other person in charge of dal mill or an oil mill or Roller flour mill or rice mill ;
- (r) “Monthly grinding capacity” means daily grinding capacity of a Roller Flour Mill multiplied by twenty-five days ;
- (s) “Mumbai Rationing Area” means the area specified as such in Schedule ‘A’ to the Maharashtra Foodgrains Rationing (Second) Order, 1966 ;
- (t) “Oil mill” means the plant and machinery with which and the premises (including the precincts thereof) in which or in any part of which a manufacturing process of extracting oil from scheduled oil-seeds is being carried on Or is ordinarily so carried on, with or without the aid of power ;
- (u) “Producer” means a person carrying on business of milling any of the pulses or expelling extracting, manufacturing or refining any edible oils-
- (i) by buying pulses or edible oilseeds for being processed by himself and selling the finished products to wholesaler or through a commission agent ; or
- (ii) by doing any of the processes of milling, expelling, extracting, manufacturing or refining on behalf of another ;
- (o) “Pulses” means any one or more of the pulses specified in schedule or any other Dal. whether whole or split with or without husk ;



## The Maharashtra Scheduled Commodities Wholesale Dealer's Licensing Order 2015

- (w) "Roller Flour Mill" means a flour mill in which disintegration of wheat is done by grooved steel or iron rollers worked by power ;
- (x) "Rice mill" means the plant and machinery with which and the premises, including the precincts thereof, in which or in any part of which, rice milling operation is carried on ;
- (y) "Schedule Commodity" means any of the commodities specified in Schedule, appended to this Order
- (z) "Sugar" means.—
- (i) any form of sugar containing more than ninety per cent of sucrose including Khandsari sugar, sugar candy and bura sugar ;
  - (ii) any sugar of crystalline structure ;
  - (iii) Sugar in process in vacuum pan sugar factory of raw sugar produced therein.
- (za) "Wholesale Dealer" means-
- (i) In relation to foodgrains a person who carries on business of purchase, sale or storage for sale anyone or more varieties of foodgrains in quantities of 60 quintals or more in aggregate at any one time ; to other dealers or other persons for sale and includes a commission agent or a sub wholesaler, who holds stocks of foodgrains for such sales in the conduct of his business ;
  - (ii) In relation to sugar, a person who carries on business of purchase, sale or storage for sale of sugar in quantities exceeding ten quintals at any one time, but does not include an industrial undertaking which is engaged in the manufacturer or production of sugar and which is registered or licensed under the industries (Development Regulation) Act, 1951;
  - (iii) In relation to gur and Khandsari,- a person who carries on business of purchase, ' -sale or storage for sale of gur and Khandsari in quantities exceeding two hundred fifty quintals in aggregate at any one time and includes a commission agent who holds stocks of gur and Khandsari for sale in the conduct of his business
  - (iv) In relation to hydrogenated vegetable oil, a person who whether for commission, remuneration or otherwise carries on the business of purchase, sale or storage for sale of any hydrogenated vegetable oil, or oils in quantities exceeding 150 kilograms at any one time to other dealers or other persons at wholesale rate ;

- (v) in relation to pulses, a person who carries on the business of purchase, sale or storage for sale of pulses in quantities exceeding five quintals in the aggregate at any one time and sales them to any other dealer or person for sale and includes a dal miller and a commission agent who holds such stocks of pulses at any one time in the conduct of his business ;
- (vi) in relation to any edible oil seeds or edible oils a person who, whether for commission, remuneration or otherwise carries on the business of purchase, sale or storage for sale of edible oilseeds or edible oils in quantities exceeding twenty quintals at any one time to other dealers or other persons at wholesale rates and includes a commission agent or a sub-wholesaler who holds stocks of edible oilseeds or edible oils in the conduct of his business.

3. *Licensing of Wholesale Dealers.*—No person shall carry on business as a wholesale dealer in anyone or more of the scheduled commodities except in accordance with the terms and conditions of all licence under this order

Provided that.—

- (a) a person holding an existing licence for carrying on business as a wholesale dealer in any of the scheduled commodities may continue to do so without a licence till the expiry of ninety days from the commencement date ;
- (b) a person referred to in clause (a) who applies for a licence before the expiry of period referred to in clause (a) or a licensee who applies for the renewal of his licence in accordance with the provisions of clause 6, may, till his application is rejected continue to carry on business as a wholesale dealer without a licence in the scheduled commodities in respect of which he has applied for a licence or for -renewal thereof :—

Provided further that nothing in this clause shall apply to a commission agent who does not retain any consignment of foodgrains, pulses, edible oilseeds, edible oil, Sugar, Gur and Khandsari received by him for a period exceeding fifteen days from the date Of its receipt.

4. *Issue of licence.*—(1) Every application for a licence shall be made to the licensing authority in form 'A'. Every such application shall be accompanied by a fee Rs.1,000 per commodity i.e. (1) foodgrains., (2) sugar, (3) gur and Khandsari, (4) hydrogenated vegetable oil, (5) edible oils and (6) pulses.
- (2) Every licence shall be issued in form 'C' and shall be subject to the conditions specified therein.

## **The Maharashtra Scheduled Commodities Wholesale Dealer's Licensing Order 2015**

5. *Period of Licence and Fees Chargeable.*- (1) Every licence shall be granted for a period of five years from the date of issue of the licence and shall thereafter be renewed for a period of five years at a time :

Provided that, no licence shall be granted for any period beyond the 31st day of December of the fourth year next following the year in which licence is granted.

6. *Renewal of licence.*- (1) Every licence desiring. to get his licence renewed for a further period of five years shall before the date of expiry of the licence apply for the renewal to the licensing authority in Form 'b'. Every such application shall be accompanied by a fee of Rs. 500 per commodity.

(2) No application for renewal made after the date of expiry of the licence shall be entertained by the licensing authority,:

Provided that, if such application is made after the expiry of the licence and before 31st January in the next year and if the licensing authority is satisfied that the applicant could not apply for renewal of the licence before the date of expiry thereof for sufficient reasons, the licensing, authority may entertain the application and renew that licence.

7. *Issue of duplicate licence* - If a licence held by the licensee is defaced, lost or destroyed, an application furnishing true and Correct information in such form as may be required by the licensing authority may be made to it for obtaining a duplicate licence. A fee of Rs. 100- per commodity shall payable, alongwith such application. The licensing authority may, after making such enquiry as it may think fit, issue a duplicate licence within 30 days from the date of receiving the application.

8. *Deposit of security.* - *Save as* otherwise provided in clause 18, every wholesale dealer applying for a licence shall before such a licence is issued to him deposit with the licensing authority, an amount Of Rs. 5000 in cash by way of security deposit for the due performance of the conditions subject to which the licence may be issued to him.

9. *Power to refuse to issue or renew licence* - *The* licensing authority may after giving the wholesale dealer concerned an opportunity of stating his case and for reasons to be recorded in writing refuse to issue a licence to him or to renew the licence issued to him.

10. *Fixing of Limit of Stock.*—(1) (i) Maximum Stock of wheat to be stored by licensed Roller Flour Mills. - Notwithstanding anything contained any order, no Roller Flour Mill licensed under this order shall hold at any one time stock of wheat exceeding forty five days grinding capacity-.

(ii) Maximum stock of rice to be stored by a licensed Rice Mills.—

Notwithstanding anything contained in any order, no Rice Mill licensed under this order shall hold at any one time stock of rice whether husked or otherwise exceeding forty five days milling capacity.

(iii) Maximum stock of pulses to be stored by licensed producer of pulses-

(a) Notwithstanding anything contained in any order, no producer of pulses licensed under this order shall hold at any time stock of unmilled pulses one-ninth of the maximum quantity of pulses used by him in any one year of the last three years or one-ninth of the quantity of pulses that would be required for producing the quantity of equal to annual capacity for a producer who has commenced production after the commencement of this order.

(b) Notwithstanding anything contained in any order, no producer of pulses license under this order shall hold at any time stock of milled pulses One-eighteenth of the maximum quantity of pulses used by him in any one year of the last three year or one-eighteenth of quantity of pulses that would be required for producing the quantity of equal to capacity for a producer who has commenced production after the commencement of this order.

(iv) Maximum stock of edible oil seeds to be stored by a licensed producer of edible oils. -Notwithstanding anything contained in any order, no producer of oils license under this order shall hold at any time stock of edible oil seeds one ninth of the maximum quantity of edible oil seeds used by him in any one year of the last three years or one-ninth of the quantity of edible oil seeds that would be required for producing the quantity of equal to annual capacity for a producer who has commenced production after the commencement of this order.

(v) Maximum stock of edible oil to be stored by the licensed producer of edible oils.—Notwithstanding anything contained in any order, no producer of edible oils license under this order shall hold any time stock of edible oils one-eighteenth of the maximum quantity of edible oils used by him in any one year of the last three years or one-eighteenth of the quantity of edible oils that would be required for producing the quantity of equal to annual capacity for a producer who has commenced production after the commencement of this order.

(2) (i) Maximum stock of wheat to be stored by a licensed wholesale dealers.— Notwithstanding anything contained in any order, no licensed wholesale dealer under this order shall hold at any time wheat stock exceeding three hundred fifty metric tonnes in Municipal Corporation Area and two hundred metric tonnes in

## **The Maharashtra Scheduled Commodities Wholesale Dealer's Licensing Order 2015**

other areas of the State for a maximum period of thirty days and shall also submit the fortnightly returns to the Licensing Authority of the stock, receipt and deliveries of wheat:

- (ii) Maximum stock of rice to be stored by a licensed wholesale dealers.-

Notwithstanding anything contained in any order, no licensed wholesale dealer under this Order shall hold at any time rice whether husked or otherwise stock\_ exceeding three hundred fifty metric tonnes in Municipal. Corporation Areas and two hundred metric tonnes in other areas of the State for a maximum period of thirty days and shall also submit the fortnightly returns to the Licensing Authority of the stock, receipt and deliveries of rice.

- (iii) Maximum stock of Pulses to be stored by a licensed wholesale dealer Notwithstanding anything contained in any order, no licensed wholesale dealer under this order shall hold at any time Pulses stock exceeding three hundred fifty metric tonnes in Municipal Corporation Areas and two hundred fifty metric tonnes in "A" Class Municipality Area and one hundred fifty metric tonnes in other areas of the State for a maximum period of thirty days and shall also submit the fortnightly returns to the Licensing Authority of the stock, receipt and deliveries of pulses (All pulses taken together excluding Kabuli chana)

- (iv) Maximum stock of Edible Oil Seeds to be stored by a licensed wholesale dealers.- Notwithstanding anything contained in any order, no licensed wholesale dealer under this order shall hold at any time Edible Oil Seeds (including groundnut in shell) stock exceeding two hundred metric tonnes in Municipal Corporation Areas and eighty metric tonnes in other areas of the State (For groundnut kernel or seeds seventy five percent limits specified shall apply) for a maximum period of thirty days and shall also submit the fortnightly returns to the Licensing Authority of the stock, receipt and deliveries of edible oilseeds."

- (v) Maximum stock of Edible Oils to be stored by a licensed wholesale -dealers.— Notwithstanding anything contained in any order, no licensed wholesale dealer under this order shall hold at any time Edible Oils (including Hydrogenated vegetable oils) stock exceeding one hundred metric tonnes in Municipal Corporation Areas and thirty metric tonnes in other areas of the State (All oils including Hydrogenated vegetable oils) for a maximum period of thirty days and shall also submit the fortnightly returns to the Licensing Authority of the stock, receipt and deliveries of edible oils :

Provided further that an exporter shall be entitled to hold stock of seeds or pods in the following proportion in addition to the normal storage limits.

(Quantity in Metric Tons)

Serial No.	Particulars	For every export contract	Stock exemption for raw material requirement (seeds or pods)
(1)	(2)	(3)	(4)
1	Sunflower extraction	1,000	1,670
2	Groundnut extraction	1,000	1,790
3	Soya extraction	1,000	1,210
4	H.P.S. Groundnut Kernels	1,000	2,500
5	Sesame Seed	1,000	1,250
6	Mustard/rapeseed extraction	1,000	1,695

The above exemption shall be subject to the production of the following documents, namely :—

- (a) Copy of the Export Order or Contract from the export buyer.
  - (b) Certified copy of the registering Authority registering the export contract.
- (vi) Maximum stock of sugar to be stored by the licenced wholesale dealers. Notwithstanding anything contained in any order no licenced wholesale dealers under this order shall hold at anytime sugar stock exceeding two hundred metric tonnes in any area of the State for a maximum period of thirty days and shall also submit the fortnightly returns to the licensing authority of the stock, receipt and deliveries of sugar ;
- (vii) Maximum stock of Gur to be stored by a licensed wholesale dealer. Notwithstanding anything contained in any order no licenced wholesale dealers under this order shall hold at any time Gur stock exceeding one hundred metric tonnes in any area of the State for a maximum period of thirty days and shall also submit the fortnightly returns to the licensing authority of the stock, receipt and deliveries of Gur ;

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(viii) Maximum stock of Khandsari to be stored by the licenced wholesale dealers. Notwithstanding anything contained in any order no licenced wholesale dealer under this order shall hold at any time Khandsari stock exceeding two hundred metric tonnes in any area of the State for a maximum period of thirty days and shall also submit the fortnightly returns to the licensing authority of the stock, receipt and deliveries of Khandsari :

Provided further that, the imported Foodgrain, Pulses, Edible Oils, Edible Oilseed, Sugar, Gur and Khandsari under Open General licence is exempted from the stockholding limit and further extended to the exporter who export Edible Oils, Edible Oilseed, Rice is exempted from stock holding limit :

Provided further that, the State Government shall be competent to grant exemption from the stock holding limitation to co-operative societies dealing in Food grains, Sugar, Gur, Khandasari, Pulses, Edible Oilseeds and Edible Oils.

11. *Contraventions of conditions of Licence,-* (1) 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.

(2) If the Licence authority is satisfied that any such licensing or his agent or servant or any other person acting on his behalf contravene any of the said terms or conditions, it may, without prejudice to any other action that may be taken against him, by order in writing cancel or suspend his licence either in respect of all scheduled commodities covered by it or in respect of such of close commodities as it may think fit :

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

12. *Forfeiture of security deposit.-1)* Without prejudice to the provisions of clause H, if the licensing authority is satisfied that the licensee has contravened any of the terms of conditions specified in the licence and that a forfeiture of the security deposit is called for, it may, after giving the licensee a reasonable opportunity of stating his case against such forfeiture, by order M writing forfeit the whole or any part of the security deposit deposited by him and communicate a copy of such order to the licensee :

Provided that, where a cancellation of the licence is duly ordered by licensing authority, the order of cancellation shall also be accompanied by an order forfeiting the entire deposit.

- (2) If licensee carries on business as a wholesale dealer after the date of expiry of his licence without applying for renewal thereof before that date then.
- (i) where the licensee applies for the renewal of his licence before the 31st day of January of the said year next following the date of expiry of the licence, the licensing authority may, by order in writing forfeit to Government twenty five per cent of the security deposit by him or her :
- (ii) where the licensee does not apply for the renewal of his licence before the 31st day of January of the said year, it may by order in writing forfeit to Government the whole of the security deposit deposited by him:

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

- (3) If by reason of forfeiture under sub-clause (1) or sub-clause (2), the amount of security deposit kept by the licensee falls short of the amount required to be deposited further security to make that amount required to be deposited by him under clause 8, he shall on being required to do so, forthwith deposit further security to make up that amount.
- (4) If, at any time, the licensee surrenders his licence to the licensing authority or if within thirty days from the date of expiry of his licence, he gives an intimation to the licensing authority that he does not desire to continue his business as a wholesale dealer, in any of the scheduled commodities, the licensing authority shall return to the licensee the whole of the amount of the security deposit deposited by him, or, as the case may be such part thereof as has not been forfeited earlier.
13. *Maintenance of register of transactions.*—Every licensee shall maintain a register of transactions as laid down in the terms and conditions of his licence and show therein the names, addresses and such other particulars of transactions as the licensing authority may specify.
14. *Form of the returns and time and manner of sending it.*—Every licensee shall in respect of each commodity submit to the licensing authority a true return in form ‘D’ every month, so as to reach the licensing authority within five days after the closer of that month.
15. *Power of entry, examination, search, seizure, etc.*—(1) With the view to securing compliance of this order or satisfying himself that this Order has been complied with, any police officer not below the rank of Sub-Inspector, or any officer of Government



## **The Maharashtra Scheduled Commodities Wholesale Dealer's Licensing Order 2015**

in the food and Civil Supplies Department or a Rationing Inspector in the Mumbai Rationing Area and elsewhere, the Supply Inspector, within their respective jurisdiction, may, -

- (i) stop and search any person or any boat, vessel, motor or other vehicle or any receptacles used or intended to be used by licensee ;
- (ii) enter, search or examine any place ;

Provided that, in exercising the power of entry due regard shall be paid by such officer to the social and religious customs of the occupants of the premises;

- (iii) seize, -
  - (a) any stock of scheduled commodities in respect of which he has reasons to believe that a contravention of any provisions of this Order has been, is being, or is about to be committed;
  - (b) any package, coverings or receptacles in which such stock of any scheduled commodity is found;
  - (c) the vehicles, vessels, or other conveyances used in carrying any scheduled commodity if he has reason to believe that such vehicles, vessels or other conveyances are liable to be forfeited under the provisions of the Essential Commodities Act, 1955 (10 of 1955) ; and
  - (d) take or authorise the taking of the all measures necessary for securing the production of the package, coverings, receptacles, vehicles, vessels or other conveyances so seized, before the Controller of Rationing in the Mumbai Rationing Area, and elsewhere the Collector of the District or the judicial authority appointed to hear appeal under section 6-C of the said Act, if required to do so, and for their safe custody pending such production;

examine or seize any books of accounts of documents which in his opinion would be useful, for or relevant to, any proceedings in respect of any contravention of this Order and allow the persons from whose custody such books of accounts or documents are seized to take copies thereof or to take extract there from in his presence.

- (2) The provisions 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 clause.

16. *Appeal.* - (1) Any person aggrieved by any order of the licensing authority refusing to issue or to renew a licence or the cancelling or suspending a licence or forfeiting the security deposit deposited by him under the provisions of this order, may appeal in the Mumbai Rationing Area, to Government and elsewhere to the Deputy Commissioner (Supply) of the Division.

(2) Every such appeal shall be made within thirty days of the date of receipt of the order appealed against, by the person appearing :

Provided that the appellate authority may admit an appeal after the expiry of the said period if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within the said period.

(3) No order shall be made by the appellate authority under this clause unless the aggrieved person has been given reasonable opportunity of stating his case.

(4) Pending the disposal of the appeal, the appellate authority may direct that the order of the licensing authority shall not take effect until the appeal is disposed off.

17. *Review of revision.*-

(1) Government may, at any time before the expiry of one year from the date of any order passed by the licensing authority or any other competent authority under this order, call for the records of the proceedings underlying such order for the purpose of satisfying itself as to the legality of propriety of such order or as to the regularity of such proceedings and it shall appear to the State Government that such order or proceedings should be modified annulled or confirmed, it may pass such order as it deem fit :

Provided that, no order shall be made under this clause unless the person who is likely to be aggrieved thereby has been given a reasonable opportunity of stating his case.

(2) Pending the disposal of review or revision proceedings under this clause the State Government may direct that the order passed by the licensing authority or other competent authority shall not take effect until an order is passed by it.

18. *Special Provisions in respect of persons holding existing licences.*—

## **The Maharashtra Scheduled Commodities Wholesale Dealer's Licensing Order 2015**

- (1) Every person holding an existing licence and intending to carry on business as a wholesale dealer in any of the scheduled commodities after the commencement date shall within ninety days from the commencement date, surrender his existing licence to the licensing authority and can obtain in exchange thereof from that authority, a licence under this order.
- (2) A person applying for licence under this order in exchange of his existing licence may also apply to the licensing authority to adjust the amount of the fees paid and the amount of security deposit and amount of renewal fee paid shall be deposited in respect of his existing licence towards the amount of the fees and the amount of the fees and the amount of security deposit required to be paid by him in respect of the licence under this order.
- (3) On receipt of an application under sub-clause (2) for adjustment of fees and an amount of security deposit paid by the applicant in respect of an existing licence the licensing authority shall determine the amount to be adjusted and shall refund to the applicant or, as the case may be, require the applicant to pay, the difference between the amount paid by the applicant in respect of the existing licence and the amount required to be paid by him in respect of the licence applied for.

19. *Cessor of certain orders on commencement date.*—On and from the commencement date of the Maharashtra Scheduled Commodities Wholesale Dealer's Licensing Order, 2015

Provided that, such cessor shall not affect.—

- (i) the previous operation of the said licensing order or anything duly done or suffered thereunder, or
- (ii) any right, privilege obligation or liability acquired, accrued or incurred under any of the said licensing order ; or
- (iii) any penalty, forfeiture or punishment incurred in respect of any offence committed against any of the said licensing orders ; or
- (iv) any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid and any such investigation, legal proceedings or remedy may be instituted, continued, or enforced and any such penalty, forfeiture or punishment, may be imposed as if this order had not been made.

FORM 'A'

*(See clause 4. (1))*

**Application or grant of a licence under Maharashtra  
Scheduled Commodities Wholesale Dealer's Licensing Order, 2015.**

*( Instruction to the Applicant for filling in the form )*

- (1) All entries recorded in the application form should be legible and written in ink in the same language as that of the application form.
- (2) All entries in application form must be filled in. Where information is 'NIL', Not applicable, etc. should be so written, instead in leaving the space blank.
- (3) Where the applicant's name, profession, etc. is required to be mentioned use of abbreviations should be avoided.
- (4) While furnishing details of a pending prosecution the name of the court, last date of hearing and the stage of the case should be given in a separate sheet if the space provided in the form is found to be inadequate. Mention of such separate sheet being attached should, however, be made in the answer to item 10 in the application form.
- (5) The addresses of the godowns business premises within the jurisdiction the licensing authority should only be mentioned.
- (6) If on investigation, the information furnished is found to be false or substantially suppressed, the applicant will under himself liable for penal action, and the licence already issued will be subject to cancellation.
- (7) If the applicant holds an existing licence on the date of the application for any part of the period which is covered by the licence applied for he may apply to licensing authority to adjust the amount of licence fees and of the security deposit paid by him in respect of the existing licence towards the licence fees and the security deposit required to be paid by him in respect of the licence applied for.
- (8) The licence, if he so desired his licence will be delivered to him at his address, on payment of Rs. 50 towards postal expenses along with licence fee.

**The Maharashtra Scheduled Commodities Wholesale Dealer's Licensing Order 2015**

To,

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Licensing Authority,

Sir,

I/We \_\_\_\_\_ request that I/We may be granted a licence to carry on business as a wholesale dealer in the following scheduled commodities :-

(1)

(2)

(3)

(here mention the Scheduled Commodities

(4)

in which the applicant desires to carry on

(5)

business as a wholesale dealers).

(6)

I/We furnish below the requisite particulars which to be best of my/our knowledge are true.

(1) Name of Applicant :

(2) Name and Address of the : business of Applicant

(3) Applicant's residential address :

(4) Details place or places of :

Business, Home No, Galli, Town  
or Village, Police Station  
and District.

(5) From when applicant is doing :

business of Scheduled  
Commodities.

- (6) Mention trade or any other :  
licence is obtained by applicant  
from Municipal Corporation /  
Municipal Council / Zilla Pariehad  
/ Panchayat Sarniti / Village  
Panchayat or other local body.  
If yes, then mention its No. and  
Date.
- (7) Whether applicant hold any :  
licence of Schedule Commodity.  
If yes, then details regarding its  
suspension or cancellation.
- (8) Details of business of the :  
scheduled commodity carried  
out in last three years.
- (9) Details of business of Schedule :  
commodities that would be carrier  
out in the current year.
- (10) income tax paid in last two : (1)  
years prior two application (show : (2)  
separately).
- (11)Details of the Schedule  
Commodities held by the applicant  
at the time of application and also  
mentioned the quantity kept at

## The Maharashtra Scheduled Commodities Wholesale Dealer's Licensing Order 2015

various places (show quantity  
separately for each commodities).

I/We declared that, the quantity of the above mentioned scheduled commodities is in my possession and they are kept in places mention in front of them.

I/We have carefully read the conditions of the licence as mentioned in the licence form 'C' appended to the Maharashtra Scheduled Commodities Wholesale Dealers' Licensing Order, 2015 and I/we agree to abide by them and also agree to abide by the instructions/directions which may be issued by Government or the licensing authority from time to time.

\*(a) I/We am/are not applied for such licence in the district

\*(b) I/We have applied for such licence in the district on (date) and on (date) licence was \*not or sanctioned.

Signature of the Applicant

( For Office use )

- (1) Date of receipt of this application
- (2) Licence fee of Rs.
- (3) Security deposit of Rs. \_\_\_\_\_ Paid
- (4) The amount of licence fee and of the security deposit paid by the applicant in respect of this existing licence and adjusted towards the licence fee and of security deposit in respect of the licence applied for ; and particulars of existing licence.
- (5) Applicant called on (date)
  - \*(a) Licence No. \_\_\_\_\_ issued on (date) \_\_\_\_\_ to the applicant on or sent by post.
  - \*(b) Request for grant of licence rejected.
  - (c) Received the Licence on (date)

(Signature)

( Date arid signature of the applicant)

(Licensing Authority).

\* Strike off whichever is not applicable.

## FORM 'B'

[See clause 6 (1)]

Application for renewal of a licence issued under the Maharashtra Scheduled Commodities Wholesale Dealers' Licensing Order, 2015.

To,

( Here specify the name of the Licensing Authority )

Sir,

I/We (here mention name of the applicant)

hereby request that my/our Licence No. \_\_\_\_\_ dated the issued to me/us on the dated was given as wholesale dealer may be renewed for further period of five years from the dt. (Here mention the date from which the renewal is sought being the date immediately next after the last date.) Its validity or expiry on dt.(Here mention the last date of validity or expiry of the licence.)

1. I/We request that following entries in the licence used to be modified as indicated below against each entry :-

Existing entry	Change desired
(1) _____	(1) _____
(2) _____	(2) _____
(3) _____	(3) _____

2. I/We hereby declare and state that the particulars furnished by; me/ -us in the application-for grant of licence still held good in respect of item No. 1,2,3,4,5,6,9, 10, 11 and 12, The particulars furnished by me / us in respect of items 7, 8 are us under. :-

(Here mention any other items numbers, if necessary) Items number Present position.

(1)	(7)
(2)	(8)
(3)	Any other item



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3. I/We hereby declare that all the other particulars mentioned in the Licence to be renewed need no deletion or addition or modification.

Date :

Signature of Applicant

(For Office Use )

(1) Date Of-receipt of this application.

(2) Renewal fee of Rs. \_\_\_\_\_ received.

(3) Applicant called on dt. \_\_\_\_\_

\*(a) Licence number \_\_\_\_\_ renewed and issued to do applicant on

\*(b) Request for renewal of licence rejected / Received the licence duly renewed.

Date :

Signature of the Applicant.

## FORM 'C'

[See clause 4 (2)]

Under the Maharashtra Scheduled Commodities wholesale Dealer's Licensing  
Order,,2015.

Licence No. \_\_\_\_\_

1. Subject to the provisions of the Maharashtra Scheduled Commodities, Wholesale Dealers' Licensing Order, 2015 and subject to the terms and conditions of this licence. \_\_\_\_\_ is / are hereby authorised to sell or store for sale the under mentioned commodities as wholesale dealer, namely :-

Name of the Commodity Quantitative restrictions if any

(i) \_\_\_\_\_

(ii) \_\_\_\_\_

(iii) \_\_\_\_\_

2. (a) The licensee shall carry on the aforesaid business at the following place (full address to be furnished )
- (b) The license shall not store the commodities in which the aforesaid business is to be carried on at any place other than the godowns mentioned below (full address to be furnished ) :

*Note:* If the licensee intends to store the commodities in godowns other than those specified above, the licensee shall give intimation of the actual occupation of any such godowns within forty-eight hours (Working hours) of the actual occupation thereof, and shall produce the licence for making change therein to the licensing authority.

3. (i) The licensee shall, except when specifically exempted by the Government or by the licensing authority in this behalf maintain a register of showing daily accounts correctly for each of the commodities.
- (a) the opening stock of each day ;
- (b) the quantities received on each day showing the place froth where and the source from which received;
- (c) the quantities delivered or otherwise removed on each day, showing the place destination; and
- (d) The closing stock on each .day.

## **The Maharashtra Scheduled Commodities Wholesale Dealer's Licensing Order 2015**

- (ii) The licensee shall complete his accounts for each day on the day to which they, relate, unless prevented by reasonable cause, the burden of proving which shall be upon the licensee.
- (iii) A licensee, who is a producer I manufacturer shall separately show the stock of the licence commodities produced by himself, in the daily accounts, if such stocks are stored in the premises.
- 4. (i) The licensee shall except when specifically exempted by the Government or by the licencing authority or by any officer duly authorised in this behalf, submit to the licensing authority a true return in Form "D" in respect of the commodities during every fortnight (1-15 and 16 to month end) mentioning average price of purchase, sale of each commodity in the fortnight boundary of stock of each commodity so as to reach the licensing authority within three days after the closer of fortnight.

(ii) The licensee shall, except when specifically exempted by the Government or by the licensing authority or by any Officer duly authorised in this behalf, submit to the licencing authority a true in Form "D" in respect of each commodity received and delivered during every fortnight (1-15 and 16 to month end) so as to reach the licencing authority within three days after the close of the fortnight.
- 5. The licensee shall not contravene the provisions of the Maharashtra Schedule Commodity Wholesale Dealers Licencing Order, 2015 or other orders under the Essential Commodities Act, .1955 (10 of 1955).
- 6. The licensee shall not contravene the provision of any other law for the time being in force, relating to essential commodity or commodities.
- 7. The licensee-

  - (i) shall not enter into any transaction, involving purchased, sale or storage for sale of commodities in a speculative manner prejudicial to the maintenance and easy availability of supplies of the commodities in the local market;
  - (ii) shall not withhold from sale, supplies of the schedule commodities kept for sale.
  - (iii) shall not charge in respect of sales of commodities made by him, a margin of profit;

    - (a) in excess of margin of profit fixed, if any, by the Government under the Essential Commodity Act, 1955 (10 of 1955) (of security Act, 1962 of India) or by or under any other law for the time being in force; and
    - (b) where it is not to be fixed, in excess of the rate prevailing in the local market at the time of sale or at the rate in excess of any maximum rate

fixed for wholesale transaction by the Government or the Central Government for Locality, District or State as a whole.

8. if the licensee is a wholesaler, then he will sell the schedule commodity generally to other wholesaler or retailer (and if he is a retailer also then to himself) And also he can sale to consumer the schedule commodity at wholesale rate in quantity of one gunny bag or more. He will maintain record of each sale to wholesaler or retailer or customer in separate note book and same to be made available for inspection on demand by the licencing authority or any other officers duly authorized in this behalf -
9. The licence shall exhibit at the business Premises, the price list of the commodities held by him for sale. Such price list shall be legibly written in the principal language of the locality concerned. It shall indicate separately the selling prices of different varieties of the commodities.
10. The licensee must issue to every customer, a correct receipt or invoice or cash memo, as the case may be, for any sale three Kilograms/ three kilolitres or more sale of schedule commodity mentioning his own name, address, licence number, customers' name and address and licence No. (if any) date of transaction, the quantity sold, the price per/litre/package/tin and total amount charged and/keep duplicate of the same to be made available for inspection on demand by the licensing authority or any other officer duly authorised in this behalf of.
11. The licensee shall give all facilities at all reasonable times to the licensing authority or any other officer duly authorised by him or by Government for inspection of stocks and accounts at the shop, godown or any other place, used by him for storage, sale or purchase and for taking of samples for examination.
12. The licensee shall comply with any directions that may be given to him by the Government or by the licensing authority, in regard to purchase, sale and storage for sale for the commodities and in regard to the language in which the register, returns, receipts or invoice mentioned in paragraphs (3) (4), and (10) shall be written and the authentication of maintenance of the same
13. The licensee shall take adequate measure to ensure that the schedule commodities stored by him are maintained in good condition and that damage to them due to ground moisture, rain, insects, rodent, birds, fire and the like causes is avoided. Suitable dunnage shall be used to avoid damage from ground moisture, fertilizers, insecticides and poisonous chemicals likely to contaminate shall not be stored along with such commodities. It shall be further ensured that at the time of sale, the said commodities are in good condition for human consumption.
14. The original license is to be attached with the application for renewal.

**The Maharashtra Scheduled Commodities Wholesale Dealer's Licensing Order 2015**

15. This licence is valid up to dated .....

Place :

Date :

Signature of the  
Licensing Authority

**FORM 'D'**

(For use by licensee)

[See Clause 15]

Return of Stocks, receipts and sales for the fortnight dated ..... 2015.

To,

The Licensing Authority,

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Name \_\_\_\_\_ Licence No. \_\_\_\_\_

Address \_\_\_\_\_ Particulars \_\_\_\_\_

\_\_\_\_\_ Godown \_\_\_\_\_

(Quantity in quintals)

License No.

Licence No.

Commodities Foodgrains Commodities

Pulses

variety

Varieties Pulses Dals (Whole)

Opening Stock

Opening Stock

Purchase

Purchase

Sale

Sale

Closing Stock

Closing Stock

Licensing No.

Licensing No.

Licence No.

Licence NO.

Commodities Edible Oils	Commodities
	Other Commodities
Variety Edible Oils	Varieties Sugar Gur Khandsari & Vanaspati
Oils Seeds	
Opening Stock	Opening Stock
Purchase	Purchase
Sale	Sale
Closing Stock	Closing Stock

*Schedule*

(Schedule Commodities)

[See Clause 2 (Y)]

1. Foodgrains
  - (i) Wheat
  - (ii) Paddy (Rice-in-husk)
  - (iii) (Rice (husked)
  - (iv) Jowar
  - (v) Bajri
  - (vi) Milo
  - (vii) Sorghan
2. Sugar -
3. Gur and Khandsari –
4. Oil Seeds –
  - (i) Groundnut
  - (ii) Sun Flower or Khardi
  - (iii) Sesamum or Till
  - (iv) Cottonseed

## **The Maharashtra Scheduled Commodities Wholesale Dealer's Licensing Order 2015**

- (v) Sunflower
  - (vi) Mustard
  - (vii) Linseed
  - (viii) Soyabean
  - (ix) Copra
5. Oils-the Palmolein Oil, Rapeseed Oil or any other Oils prepared from Oilseeds specified above (whether raw, filtered or refined).
6. Pulses –
- (i) Urd
  - (ii) Moong
  - (iii) Arhar
  - (iv) Masoor
  - (v) Lohis/Lobia
  - (vi) Rajmha
    - (i) Gram
    - (ii) Peas and any other pulses which is not included in the list.
7. Hydrogenated Vegetable Oils-Any Vegetable Oils subjected to a process of hydrogenation.

\*Note – The licensee shall not either by himself or by any other person on his behalf store or have in possession at any time any Commodity mentioned in Schedule in quantity exceeding the limits fixed under clause 10.

\*\*Note - : The Central Government is empowered to impose prescribed stock holding limits on specific Scheduled Commodities from time to time, Only these commodities require licence under Maharashtra Scheduled Commodities licensing Order, 2015.

By order and in the name of the Governor of Maharashtra.

SATISH SHRIDHAR SUPE,  
Deputy Secretary to Government

**THE MAHARASHTRA LEVY SUGAR  
(REGULATION OF DISTRIBUTION) ORDER, 1981.**

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**Food And Civil Supplies Department**

Mantralya Annexe, Bombay 400 032,

**Dated the 30th March 1981.**

**Order II**

Essential Commodities Act, 1955.

**No. ECA7079-676(A)-(807)-XXIII.-** In exercise of the powers conferred by sub-section (1) and read with clauses (c), (d), (e), (f), (h), (i), (ii) and (j) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955) and sub-clauses (3) and (4) of clause 2 of the Levy Sugar Supply (Control) Order, 1979 and of all other powers enabling the Government of Maharashtra in this behalf, read with the Order of the Government of India in the Ministry of Agriculture and Irrigation (Department of Food), No. G. S. R. 800, dated the 9th June 1978 and with the prior concurrence of the Central Government, the Government of Maharashtra hereby make the following Order, namely :-

**1. Short title, extent and commencement.**

- (1) This Order may be called The Maharashtra Levy Sugar (Regulation of Distribution) Order, 1981.
- (2) It extends to the whole of the State of Maharashtra.
- (3) It shall come into force from the date of its publication in the *Official Gazette*.

**2 . Definitions.**

In this Order, unless the context otherwise requires,-

- (a) **“Authorised Wholesale Dealer”** means a wholesale dealer who has already been appointed or will be appointed as nominee of the Controller of Rationing or Collector for Supply of Levy Sugar to the Ration Shops/Fair Price Shops;
- \*[(b-1) **“Commissioner”** means a Commissioner for a Division appointed under the Maharashtra Revenue Code, 1966 and includes the Deputy Commissioner (Supply)];
- (b) **“Collector”** means the Collector of the District and includes the District Supply Officer and Assistant District Supply Officer and a Foodgrains Distribution Officer and such other Officer or officers as may be authorized by the Collector in this behalf;



## **The Maharashtra Levy Sugar (Regulation of Distribution) Order, 1981**

- (c) **“Controller of Rationing”** in any area for which a Controller of Rationing has been appointed by Government means that officer and includes a Deputy or Assistant Controller of Rationing;
- (d) **“Levy Sugar”** means sugar sold or supplied by the Sugar Factories to the State Government or to its officers or agents under the orders made by the Central Government under clause (f) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (X of 1955);
- (e) **“Ration or Supply Card”** means a ration card/supply card, or permit • issued or deemed to be issued under the Maharashtra Foodgrains Rationing (Second) Order, 1966 and the Regulations -thereunder or the Maharashtra Scheduled Commodities (Regulation of-Distribution) Order, 1975 and the Regulations thereunder and made available for obtaining supplies of *sugar*;
- (f) **“Ration or supply document”** means a ration card/supply card or any other document issued or deemed to be issued under any of the Orders or Regulations mentioned under 2 (e) above;
- (g) **“Ration shop or fair price shop”** means a dealer in charge of a shop authorized under the provisions of clause 3 and includes a person in charge of a shop where -levy sugar is sold and is under the control of Government.

**Explanation-** On the commencement of this Order in any area, every dealer, who was appointed or authorized or deemed to be appointed or authorized, by or on behalf of Government as ration shop or an authorized fair price shop or by any other designation, and whose appointment or authorization was in force immediately before such commencement shall be deemed to be a ration shop or fair price shop in that area for the purpose of this Order, unless otherwise directed by the State Government or the Controller of Rationing or the Collector:

- (h) **“Sugar”** means -
  - (a) any form of sugar containing more than 90 percent of sucrose;
  - (b) any sugar of crystalline structure;
  - (c) sugar in process in vacuum pan sugar factory or raw sugar produced therein.

\* **Inserted Notification No. ECA 1095/CR-6524/CS-23, dated 11th January 1996.**

**NB- Prior to this notification, this clause (b-1) was inserted by Notification No. ECA. 7081-893/1092/XXIII, dated 07.11.1981.**

**3. Issue of authorization to dealers to obtain and supply levy sugar.**

- (1) An authorization issued or deemed to be issued under the Maharashtra Foodgrains Rationing (Second) Regulations, 1966 or the Maharashtra Scheduled Commodities (Regulation of Distribution) Regulations, 1975. shall be deemed to be authorization issued under this order.
- (2) The amount deposited by a ration shop/fair price shop for the authorization mentioned in sub-clause (1) shall be deemed to be a deposit under this Order for the due performance of the provisions of this Order and the sum so deposited or any part thereof may, without prejudice to any other penalty, after inquiry and for reasons to be recorded in writing be forfeited by the State Government or by the Controller of Rationing or Collector for contravention of any such provisions. If, as a result of any departmental action the sum deposited or any part thereof is forfeited the ration shop or fair price shop as the case may be shall forthwith pay to Government such amount as may be required to make up the prescribed sum to be deposited as security.
- (3) The State Government or the Controller of Rationing, or the Collector may, at any time, whether at the request of the ration shop/fair price shop or authorized whole-sale dealer or *sou motu*, after making such enquiry as may be deemed necessary and for reasons to be recorded in writing add to, amend, vary, suspend or cancel the authorization issued or deemed to be issued to him under this clause.

**4. Prohibition against supply of levy sugar by unauthorized persons.**

No person, other than a ration or fair price shop or authorized wholesale dealer, shall sell or agree to sell or supply or agree to supply levy sugar to any person, except under and in accordance with a special or general direction issued by the Controller of Rationing or Collector or by any officer authorized by him in this behalf.

**5. Supply of levy sugar by authorized wholesale dealer.**

No authorized wholesale dealer shall sell or agree to sell or supply levy sugar to any person other than a ration shop or fair price shop and except under and in accordance with the provisions prescribed by or under this Order.

**6. Supply of levy sugar by ration shop or fair price shop.**

No ration or fair price shop shall sell or agree to sell or agree to supply levy sugar to any person except for household consumption and except at such price and at such quantum as may be specified by the State Government or the Controller of Rationing or Collector from time to time, in this behalf. and except under and in accordance with the provision prescribed by or under this Order.

## **The Maharashtra Levy Sugar (Regulation of Distribution) Order, 1981**

Provided that a ration shop or fair price shop shall sell levy sugar to any person for consumption, other than household consumption, according to such special or general directions as may be issued by the Controller of Rationing or Collector.

### **7. Application of Foodgrains Orders and Regulations in certain matters.**

Save as otherwise provided by or under this order, the regulations made by the State Government under clause 10 of the Maharashtra Foodgrains. Rationing (Second) Order, 1966, those made under clause 8 of the Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975 shall also apply to the distribution Of levy sugar under this Order *Mutatis mutandis*, as if references therein to rationed foodgrains or scheduled commodities as the case may be, are references to such sugar.

### **8. Distribution or acquisition of levy sugar otherwise than on ration or supply documents.**

Notwithstanding any provision of this Order, the distribution or acquisition of levy sugar otherwise than on a ration or supply document, whether or not for household consumption and subject to such condition as may be specified may be authorized by the State Government or any officer empowered by it in this behalf.

### **9. Power to enter premises, inspect, search or seize stocks of sugar ask questions, require production of documents etc.**

(1) The Controller of Rationing or Collector or any other officer authorized by the State Government or by him in this behalf may at all reasonable time inspect any stocks of sugar, ration or supply documents or books, accounts or other documents pertaining to dealings in sugar and may for the purpose of such inspection.-

(a) enter any premises :

Provided that, in exercising the power of entry due regard shall be paid by such officer to the social and religious customs of the occupants of the premises;

(b) ask of any person all necessary questions,

(c) require the production of any document and take or cause to be taken extracts from or copies of such documents; and

(d) take or cause to be taken the weight or measures of sugar found in the premises.

(2) Every person, when so required by such officer under sub-clause (1), shall allow access to the premises, answer all questions to the best of his knowledge and belief, produce the documents in his possession and allow” extracts from or copies of any such documents, or weight or measure of sugar found in the premises, to be taken.

- (3) Such officer may, in the Course of such inspections, search for and seize an article in respect of which he has reason to believe that any provision made by or in pursuance of this Order has been or is being contravened.

**10. Power to exempt.**

The State Government may, if it is necessary. in the public interest so to do by order, exempt any person or class of persons from the operation of all or any of the provisions of this order for such period and subject to such conditions as may be specified and may at any time suspend or cancel such exemption.

**11. Power to call for and examine records and proceedings in certain cases.**

The State Government or in the Bombay Rationing Area specified in Schedule "A" to the Maharashtra Foodgrains Rationing (Second) Order, 1966, an officer not below the rank of Deputy Secretary to Government designated by the State Government in this behalf, and elsewhere the Commissioner of the Division, may *suo, motu*, or on an application made to it or him by an aggrieved persons, at any time, call for and examine the record of any enquiry or proceedings of any officer exercising or failing to exercise the powers under this order to suspend or cancel any authorization issued or deemed to be issued under clause 3 and to forfeit the deposit deemed to be paid by a ration shop or fair price shop or authorized wholesale Dealer as security, for the purpose of satisfying itself or himself as to the legality or propriety of any decision or order passed by such officer, and as to the regularity of the proceedings of such officer, and may pass such order thereon as it or he, as the case may be, thinks fit :

Provided that, the State Government or the designated officer or the Commissioner shall not pass any order under this clause which adversely affects and person unless such person has been given a reasonable opportunity of being heard.

**12. Provisions of any other orders relating to foodstuffs not to be contravened.**

Authorized wholesale dealers and authorized ration or fair price shops shall not contravene the provisions of any other order relating to foodstuff issued under the Essential Commodities Act, 1955 (X of 1955).

**13. Saving.**

Nothing Contained in this order or the Regulations shall apply to any sale, -purchase, disposal, acquisition, distribution or transport of any sugar other than levy sugar.

By Order and in the name of the Governor of Maharashtra,

(Sd.) M. v. Rajadhyaksha,  
Deputy Secretary to Government.



**THE BOMBAY RATIONING AREA SCHEDULED  
COMMODITIES (REGULATION OF DISTRIBUTION)  
ORDER, 1986**

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**Food And Civil Supplies Department**

Mantralaya Annexe, Bombay- 400 032.

**Dated 8th July 1986**

**Order**

Essential Commodities Act, 1955.

**No.SAVIVYA-1086/265/(4617)/XXVIII.-** In exercise of the powers of the Central Government conferred by Sub-section (1), read with clauses (c), (d), (e), (f), (h), (i), (ii) and (j) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with the Order of the Government of India in the Ministry of Agriculture and Irrigation (Department of Food), No. GSR. 800, dated the 9th June 1978 and of all other powers enabling it in that behalf and with the prior concurrence of the Central Government, the Government of Maharashtra hereby makes the following Order, namely :-

**1. Short title, extent and commencement.**

- (1) This Order may be called the Bombay Rationing Area Scheduled Commodities (Regulation of Distribution) Order, 1986.
- (2) It extends to the Bombay Rationing Area.
- (3) It shall come into force at once.

**2. Definitions.**

In this Order, unless the context otherwise requires,-

- (a) **“Authorised Supplier”** means a manufacturer, processor or supplier of scheduled commodities who has already been appointed or will be appointed as nominee of the Controller of Rationing for supply of scheduled commodities to the Ration Shops and ‘also includes authorized agent, as defined in sub-clause (ai) of clause 2 of the Maharashtra Foodgrains Rationing (Second) Order, 1966;
- (b) **“Bombay Rationing Area”** means the area specified as such in Schedule A to the Maharashtra Foodgrains Rationing (Second) Order, 1966;
- (c) **“Controller of Rationing”** in any area for which Controller of Rationing has been appointed by Government means that Officer and includes a Deputy. Controller or Assistant Controller of Rationing;

## The Bombay Rationing Area Scheduled Commodities (Regulation of Distribution) Order, 1986

- (d) **“Establishment”** means catering establishments, institutions, residential establishments, manufacturing establishments, mills, industries, animal establishments and any other establishments or class of establishments, which the State Government or the Controller of Rationing may declare to be the establishments for the purpose of this Order;
- (e) **“Establishment Consumption”** means all consumption of food supplied by an establishment for consumption on the premises of the establishment or elsewhere;
- (f) **“Household Consumption”** means all consumption of food for household purposes other than establishment consumption;
- (g) **“Open Market Commodities”** means all or any one or more of the commodities and products thereof attached hereto except Kerosene, Channelised by the trader/traders in the open market for purchase, sale and storage for sale;
- (h) **“Ration Card”** means ration card or permit issued or deemed to be issued under the Maharashtra Foodgrains Rationing (Second) Order, 1966 and the Regulations thereunder and made available for obtaining supplies of Scheduled Commodities;
- (i) **“Ration Document”** means a ration card or any other document issued or deemed to be issued under the Order or Regulations mentioned under sub-clause (h) of this clause 2;
- (j) **“Ration Shop”** means a dealer in charge of a shop authorized under the provisions of clause 3 of this Order and includes a person in charge of shop, where Scheduled Commodities are sold and it is under the control of Government.

**Explanation** - On the commencement of this Order every dealer,

who was appointed or authorised or deemed to be appointed or authorised by or on behalf of Government as a ration shop and whose appointment or authorization was in force immediately before such commencement shall be deemed to be a ration shop for the purpose of this Order unless otherwise directed by the State Government or the Controller of Rationing;

- (k) **“Scheduled Commodities”** means all or any one or more of the Scheduled Commodities and products thereof specified in the schedule hereto, which Government intends to supply or supplies to the public from the ‘Government stocks’ or from the stocks held by its authorized suppliers for the purpose of distribution to the ration card-holders through the ration shops.

**3. Issue of authorizations to suppliers to obtain and supply scheduled commodities.**

- (1) An authorization issued or deemed to be issued to **the** ration shops or authorised agents under the Maharashtra Foodgrains Rationing (Second) Regulations, 1966 shall be deemed to be authorization issued under this Order. In respect of other authorized suppliers the form of authorization and the terms and conditions thereof shall be such as may be specified by Government.
- (2) The amount deposited by a ration shop or authorized agent for the authorization mentioned in sub-clause (1) of clause 3 of this Order, shall be deemed to be deposit under this Order for the due performance of the provisions of this Order and the amount so deposited or any part thereof may, without prejudice to any other penalty, after enquiry and for reasons to be recorder in writing, be forfeited by the State Government or by the Controller of Rationing for contravention of any such provisions. If, as, a result of any departmental action the sum deposited or any part thereof is forfeited, the ration shop or the authorized agent, as the case may be, shall forthwith pay to Government such amount as may be required to make up the prescribed sum to be deposited as a security.
- (3) The State Government or the Controller of Rationing, may at any time, whether at the request of the ration shop or authorized agent or authorized supplier of *suo motu* after making such enquiry as may be deemed necessary and for reasons to be recorded in writing add to, amend, vary, suspend or cancel the authorization issued or deemed to be issued to him under this clause.

**4. Prohibition against supply of Scheduled Commodities by unauthorized persons.**

No person other than a ration shop or authorized supplier shall, sell or agree to sell or supply or agree to supply scheduled commodities to any person, except under and in accordance with a special or general direction issued by the Controller of Rationing or by any officer authorized, by him in this behalf.

**\*[4-A. Sale of open market commodities.**

The sale of open market commodities some of which are included in the list of scheduled commodities which the State Government intends to supply or supplies under the public distribution system through the outlets of ration shop or its authorised persons shall not be governed by the provisions of this Order.]

**\* Sub-clause (2) of Clause 4 is renumbered as Clause 4-Aby Corrigendum No. SAVIVYA -1086/265/(4617) /CS-XXVIII, dated 18th August 1986.**

**5. Supply of Scheduled Commodities by authorized Suppliers.**

No authorized supplier shall sell or agree to sell or supply or agree to supply scheduled commodities to any person other than a ration shop and except under and in accordance with the provisions prescribed by or under this Order.



## **The Bombay Rationing Area Scheduled Commodities (Regulation of Distribution) Order, 1986**

### **6. Supply of scheduled commodities by ration shop.**

No ration shop shall sell or, agree to sell or agree to supply scheduled commodities to any person except for household consumption and except at such price and at such quantum as may be specified by the State Government or the Controller of Rationing, from time to time, in this behalf and except under and in accordance with the provisions prescribed by or under this Order;

Provided that, a ration shop shall sell scheduled commodities to any persons for consumption, other than household consumption, according to such special or general directions, as may be issued, by the Controller of Rationing.

### **7. Application of Foodgrains Order and Regulations in certain matter.**

Save as otherwise, provided by or under this Order, the Regulations made by the State Government under clause 10 of the Maharashtra Foodgrains Rationing (Second) Order, 1966, shall also apply to the distribution of Scheduled Commodities under this Order *mutatis mutandis*, as if reference therein to rationed foodgrains are references to such Scheduled Commodities.

### **8. Distribution or acquisition of. Scheduled Commodities otherwise than on ration documents.**

Notwithstanding any provisions of this Order, the distribution or acquisition of scheduled commodities otherwise than on a ration documents, whether or not for household consumption and subject to such conditions as may be specified, may be distributed or acquired by the person authorized by the State Government or any officer empowered by it in this behalf.

### **9. Powers of entry for examination, search and seizure.**

(1) Any Police Officer not below the rank of Sub-Inspector or any Officer of the Food and Civil Supplies Department not below the rank of Rationing Inspector, within their respective jurisdiction, may, with a view to securing compliance of this Order or for satisfying himself that this Order has been complied with —'

(a) stop and search any person or any boat, vessel, motor or other vehicle or any receptacle used or intended to be used for transport or Scheduled Commodity or commodities;

(b) enter, search or examine any place;

(c) seize —

(i) any stocks of Scheduled Commodity or commodities in respect of which he has reason to believe that a contravention of any of the provisions of this Order has been or is being or is about to be committed;

- (ii) any package or packages, covering or coverings or receptacle or receptacles in which such stock of scheduled commodity or commodities is found;
  - (iii) the animal or animals, vehicle or vehicles, vessel or vessels or other conveyance or conveyances used in carrying such scheduled commodity or commodities if he has reason to believe that such animal or animals, vehicle or vehicles, vessel or vessels or other conveyance or conveyances are liable to be forfeited under the provisions of the Essential Commodities Act, 1955 (10 of 1955); and thereafter, take or authorizes the taking of all measures necessary for securing the production of package, or packages, covering or coverings receptacle or receptacles or other conveyance or conveyances seized before the Controller of Rationing or the judicial authority appointed to hear the appeal under section 6-C of the said Act, if required to do so, and for their safe custody pending such production.
  - (d) examine or seize any \*[book on books of accounts or document or documents which in his opinion shall be useful for or relevant to any proceedings in respect of any contravention of this Order and allow the person' from whose custody such book or books of accounts or document or documents are seized to make copies thereof or to take extracts therefrom in his presence.
- (2) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) relating to searches and seizures, shall, so far as may be, apply to searches and seizures under this Order.

\* **Inserted by Corrigendum No. SAVIVYA-1086/265/ (4617)./CS-XXVIII, dated 18th August 1986.**

#### **10. Power to exempt.**

The state Government may, if it is necessary in the public interest so to do by Order, exempt any person or class .of persons from the operation of all or any of the provisions of this Order for such period and subject to such conditions as may be specified and may at any time suspend or cancel such exemption.

#### **11. Power to call for and examine records and proceedings in certain cases.**

An Officer not below the rank of Deputy Secretary to Government designated by the State Government in this behalf, may *suo motu*, or on an application made to him by aggrieved person, at any time, call for and examine the record of any enquiry or proceedings of any officer exercising or failing to exercise the powers under this Order

## The Bombay Rationing Area Scheduled Commodities (Regulation of Distribution) Order, 1986

to suspend or cancel any authorization issued or deemed to be issued under clause 3 of this Order and to forfeit the deposit deemed to be paid by a ration shop or authorized agent or authorized supplier as security for the purpose of satisfying himself as to the legality or propriety of any decision or Order passed by such officer and as to the regularity of the proceedings of such officer and may pass such Order thereon as he may think fit :

Provided that, the designated officer shall not pass any Order under this clause which adversely affects any person unless such person has been given a reasonable opportunity of being heard.

### 12. Provisions of any other order relating to foodstuffs etc. not to be contravened.

No authorized ration shop or authorized agent or authorized supplier shall contravene the provisions of any other Order relating to foodstuff issued under the Essential Commodities Act, 1955 (10 of 1955).

### 13. Savings.

Nothing contained in this Order or the Regulations shall apply to any sale, purchase, disposal, acquisition, distribution or transport of any commodity other than the Scheduled Commodity.

#### Schedule

*(See sub-clause (k) of clause 2)*

- |                                                         |   |                                          |
|---------------------------------------------------------|---|------------------------------------------|
| I. Foodgrains -                                         | } | Whole, broken or Flour Products thereof. |
| (1) Rice                                                |   |                                          |
| (2) Wheat                                               |   |                                          |
| II. Coarse Cereals -                                    |   |                                          |
| (1) Jowar                                               |   |                                          |
| (2) Bajri                                               |   |                                          |
| III. Pules                                              |   |                                          |
| IV. Edible Oils (including Hydrogenated Vegetable Oils) |   |                                          |
| V. Kerosene.                                            |   |                                          |

By order and in the name of the Governor of Maharashtra

P.A. Mungre,  
Deputy Secretary to Government.

**THE PUBLIC DISTRIBUTION SYSTEM (CONTROL)  
ORDER, 2001.**

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**Ministry of Consumer Affairs, Food And Public Distribution**

New Delhi,

Dated: the 31st August, 2001

**Order**

**G.S.R. 630(E):-** Whereas the Central Government is of the opinion that it is necessary and expedient so to do for maintaining supplied and securing availability and distribution of essential commodities under the Public Distribution System;

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order, namely:-

**1. Short title, extent and commencement.**

- (1) This order may be called **The Public Distribution System (Control) Order, 2001.**
- (2) It extends to the whole of India.
- (3) It shall come into force 'on the -date of its publication in the *Official Gazette*

**2. Definitions.**

- (a) “**Act**” means the Essential Commodities Act , 1955 (10 of 1955);
- [(b) “**Appellate Authority**” means any authority appointed as such by the State Government under paragraph 7 of the annexe to this Order;]
- (c) “**Authority**” means any officer not below the rank of Inspector in the State Government dealing with Food and Civil Supplies;
- (d) “**Above Poverty Line Families**” means those families who have been issued Above Poverty Line (APL) ration cards by the State Government for issue of foodgrains under the Public Distribution system”
- (e) “**Antyodaya families**” means those poorest families from amongst, Below Poverty Line (BPL) families identified: the State Government and entitled to receive foodgrains under the Antyodaya Anna Yojana;
- (f) “**Authorized nominee**” means the concerned Department of State Government or a Corporation or a company owned by it or co-operative;

## **The Public Distribution System Control Order, 2001**

- (g) **“Below Poverty Line families”** means those families who have been identified by the State Government for issue of foodgrains at specially subsidized rates adopting the estimates of poverty given by the Central Government.
- (h) **“Eligible applicant”** means an individual who is resident of a State and fulfills the conditions for getting a ration card as may be prescribed by the State Government;
- (i) **“Essential commodities”** means essential commodities as defined under the Act;
- (j) **“Fair Price Shop”** Means a shop, which has been licensed to distribute essential commodities by an order issued under section 3 of the Act, to the ration card holders under the Public Distribution System;
- (k) **“Fair Price Shop Owner”** means a person and includes a cooperative society or a corporation or a company of a State Government or a -Gram Panchayat or any other body in whose name a shop has been licensed to distribute essential commodities under the Public Distribution System;
- (l) **“Public Distribution System”** means the system for distribution of essential commodities to the ration cardholders through the fair price shops, such as rice, wheat, sugar, edible oil, kerosene and such other commodities as are notified by the Central Government under Clause (a) of section 2 of the Act;
- (m) **“Ration Card”** means a document issued under an order of authority of the State Government for the purchase of essential commodities under the public Distribution System from the fair price shop;
- (n) **“State”** includes a Union territory;
- (o) **“State Government”** includes Administration of a Union territory;

+ **Substituted by G S R No. 392(E) dated 29.6.2004.**

### **3. Identification of families living below the poverty line.**

The State Governments shall identify families living Below Poverty Line as per paragraph 1 of the Annexure to this Order.

### **4. Ration Cards.**

The State Government shall issue distinctive ration cards to Above Poverty Line, Below Poverty Line and Antyodaya families and shall conduct periodical review and checking of the ration cards as per paragraph 2 of the Annexure to this Order.

## 5. Scale of issue and issue price.

The Central Government shall make available to the State Governments foodgrains for distribution under the Public Distribution System at such scales and prices as provided in paragraph 3 of the Annexe to this Order.

## 6. Distribution.

- (1) The procedure for distribution of foodgrains by the Food Corporation of India to the State Governments or their nominated agencies, shall be as per paragraph 4 of the Annexe to this Order;
- (2) Fair price shop owners shall take 'delivery of stocks from authorized nominees of the State Governments to ensure that essential commodities are available at the fair price shop within first week of the month for which the allotment is made.
- (3) The district authority entrusted with the responsibility of implementing the Public Distribution System shall ensure that the stocks allocated to the fair price shops are physically delivered to them by the authorized nominee within the stipulated time.
- (4) +[The authority or any person authorized by it in this behalf or any other person], who is engaged in the distribution and handling of essential commodities under the Public Distribution System, shall not willfully indulge in substitution or adulteration or diversion or theft of stocks from Central godowns to fair price shop premises or at the premises of the fair price shop.

**Explanation** - For the purpose of this clause:

- (i) **“Diversion”** means unauthorized movement or delivery of essential commodities released from central godowns but not reaching the intended beneficiaries under the Public Distribution System.
- (ii) **“Substitution”** means replacement of essential commodity released from central godowns with the same articles of inferior quality for distribution to the intended beneficiaries under the Public, Distribution System.

+ **Substituted for the words “The authority or person” by GSR No. 392(E) dated 29.6.2004.**

## **The Public Distribution System Control Order, 2001**

### **7. Licensing.**

- (1) The procedure for issue of licenses or authorization to the fair price shops for the distribution of essential commodities under Public Distribution System and duties and responsibilities of the fair price shop owners shall be as per paragraph 5 of the Annexe to this Order.
- (2) The ration card holder shall not be denied the supply as per entitlement of the essential commodities, lying in stock, by the fair price shop owner under the Public Distribution System.
- (3) The fair price shop owner shall not retain cards after the supply of the essential commodities.
- +[(4) Any ration card holder desirous of obtaining extracts from the records of a fair price shop owner may make a written request to such owner along with deposit of the fee specified by the State Government.
- (4A) Within fourteen days from the date of receipt of a request and the specified fee under sub-clause (4), the fair price shop owner shall provide such extracts of records to the ration card holder.]

+ **Substituted for sub-clause (4) by G S R:No. 392(E) dated 29.6.2004.**

### **8. Monitoring**

The procedure for monitoring of the Public Distribution System including the functioning of the fair price shops by the State Governments shall be as per paragraph 6 of the Annexe to this Order.

### **9. Penalty.**

If any person contravenes any provisions of this Order under clauses 3, 4, 6, and 7 he shall be liable to punishment under Section 7 of the Act.

### **10. Power of search and seizure.**

- (1) An authority authorized by State Government, shall be competent to inspect or summon such records or documents as may be considered by him necessary for examination and take extracts of copies of any records or documents produced before him.

- (2) If the said authority has: <sup>1</sup>[reasons to believe on receipt of a complaint or otherwise] that there has been any contravention of the provisions of this Order or with a view for securing compliance with this Order, he may enter, inspect or search the fair price shop or any premises relevant to transactions of business of the fair price shop.
  - (3) The said authority may also search, seize or remove such books of accounts or stocks of essential commodities where such authority has reason to believe that these have been used or will be used in contravention of the provisions of this order.
- <sup>2</sup>[(3A) The authority conducting search and seizure under sub-clause (3) shall inform the State Government or an officer authorized by it in this behalf, the details of the search conducted and the stocks of essential commodities so seized by them under that clause.]
- (4) The provisions of section 100 of the Code of Criminal Procedure 1973; relating to search and seizure shall so far as may be, apply to search and seizure under this Order.
1. **Substituted for the words “reason to believe” by G S R’ NO. 392(E) dated 29.6.2004.**
  2. **Inserted, *ibid*.**

## 11. Appeal.

- (1) All appeals shall lie before the Appellate Authority appointed under paragraph 8 of the Annexe to this Order.
- (2) Any person aggrieved by an order of the designated authority denying the issue or renewal of a ration card or cancellation of the ration card may appeal to the Appellate Authority within thirty days of the date of receipt of the Order.
- [(3) Any person aggrieved by an order of the designated authority denying the issue or renewal of the license to the fair price shop owner, or cancellation of the license may appeal to the Appellate Authority within thirty days of the date of receipt of the order and the Appellate Authority shall, as far as practicable, dispose the appeal within a period of sixty days.]



## **The Public Distribution System Control Order, 2001**

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

[(5) Pending the disposal of an appeal, the Appellate Authority may direct that 'the order under appeal shall not take effect for such 'period as the authority May 'consider necessary for giving a reasonable opportunity to the other party under sub-Clause (4) or until the appeal is disposed off, Whichever is earlier.]

+ **Substituted by G S R No. 392(E) dated 29.6.2004.**

### **12. Protection of action taken under Order.**

No suit, prosecution or other legal proceeding shall. lie against any person for anything which is in good faith done or intended to be done in pursuance of this Order.

### **13. Power of Central Government to give directions.**

The Central Government may give such directions as it may deem necessary to State Government for execution of all or any of the provisions of this Order and the State Government shall comply with such directions.

### **14. Provisions of the Order to prevail over previous Order of State Governments.**

The provisions of this Order shall have effect notwithstanding anything to the contrary contained in any Order made by a State Government or by an officer of such State Government before the commencement of this Order except as respects anything done, or omitted to be done thereunder before such commencement:

[No. 9(10)/2000 PD, 11]

S. C. BRAHMA Jt. Secretary.

## **Annexe to the Public Distribution System Control Order, 2001**

*[See Clause 3, 4, 5, 6, 7, 8, 10 & 12]*

### **1. Identification of families living below the poverty line.**

(1) State Governments shall formulate suitable guidelines for the purpose of identification of families living Below the Poverty Line (BPL),. including the Antyodaya families, as per the estimates adopted by the Central Government. Care will be taken to ensure that the families so identified are really the poorest.

The exercise of identification of BPL and Antyodaya families wherever it has not been done already, shall be completed within three months of the issue of this Order.

- (2) State Governments shall get the lists of BPL, and Antyodaya families reviewed every year for the purpose of deletion of ineligible families and inclusion of eligible families.
- (3) While undertaking the exercise of identification or review of BPL and Antyodaya families, each State Government shall prescribe a suitable proforma to be filled up by or on behalf of the head of a family.
- (4) The data provided in the prescribed proforma shall be verified by the authority designated by the State Government for the purpose. The said authority shall also certify the correctness of the information contained in the proforma.
- (5) Gram Sabhas shall finalise the list of beneficiaries belonging to BPL and Antyodaya categories drawn up by the designated authority in respect of the area under their respective jurisdiction.
- (6) Where there are no Gram Sabhas, the local representative bodies shall finalize the list of beneficiaries belonging to BPL and Antyodaya categories within their respective jurisdiction.
- (7) The designated authority of the State Government or the local representative bodies including Gram sabhas and Gram Panchayats which have been entrusted with the task of identification of beneficiaries, shall verify and certify the information in the prescribed proforma for BPL and Antyodaya families.

### **2. Ration Cards.**

- (1) State Governments shall ensure that no eligible applicant is denied a ration card under the Public Distribution System.
- (2) The ration card holder shall be entitled to draw essential commodities from a fair price shop on weekly basis.
- (3) State Government shall issue distinctive ration cards to APL, BPL and Antyodaya families.
- (4) The designated authority shall issue ration card within one Month of the date of receipt of the application after necessary checks and verification.

## **The Public Distribution System Control Order, 2001**

- (5) State Governments shall specify a timeframe for making additions or alterations in the ration card. In case this time limit is not adhered to, the reasons therefor shall be intimated to the applicant in writing.
- (6) State Government shall conduct periodical checking of ration cards to weed out ineligible and bogus ration cards and bogus units in ration cards.
- (7) A ration card shall be valid for [a period of five years from the date of its issue unless it is suspended or cancelled earlier]. A ration card shall be issued afresh or renewed after fresh verification of antecedents and such Other checks as may be prescribed by the Governments in this regard..
- (8) Elimination of bogus ration cards as well as bogus units in the ration cards shall be a continuous exercise by the State Governments to check diversion of essential commodities.
- (9) Ration cards shall not be used as documents of identity.

+ **Substituted for the words “a specified period” by G S R No. 392(E) dated 29.6.2004.**

### **3. Scale of issue and issue price.**

- (1) The Central Government shall take available to the State Governments foodgrains for distribution under the Public Distribution System to various categories of beneficiaries, at such scale and prices, as may be specified from time to time.
- (2) The state Governments shall not divert the allocations made by the Central Government for distribution under the Public Distribution System

### **4. Distribution.**

- (1) The Food Corporation of India (FCI) or any other agency designated for the purpose by the Central Government shall ensure physical delivery of foodgrains of fair average quality to State Government for distribution under the Public Distribution System as per allocations made by the Central Government, within two weeks of the receipt of payment from the State Governments and issue of release orders.
- (2) State Governments shall, on getting allocation of foodgrains from the Central Government, issue district-wise allocation orders authorizing their agencies

or nominees to draw foodgrains from the FCI within ten days of the receipt of allocation orders made by the Government of India.

- +[3) The designated authority of the State Government shall ensure delivery of one copy of allocation order made to the fair price shop simultaneously to Gram Panchayats or Nagar Palikas or Vigilance Committees or any other body-nominated for monitoring the functioning of the fair price shops by the concerned State Government and such order shall specify:-
- (i) Number of cards and units;
  - (ii) Balance in hand; and
  - (iii) Allocation made for each month in respect of a fair price shop”.]
- (4) Gram Panchayats or Nagar Palikas or Vigilance Committees or any other body nominated for monitoring the functioning of the fair price shop by State Governments shall display the stock of essential commodities allotted during the month to the fair price shops on notice board outside their office.
- (5) While making monthly allocations to the fair price shops designated authority of State Governments shall take into account the balance stock, if any, lying un-distributed with the fair price owner for the subsequent allocations.
- (6) State Governments shall make arrangements for taking delivery of essential commodities issued by the Central Government by the designated agencies or nominees from the FCI depots/godown ensure further delivery to the fair price shop within the first week of the month for which allocation is made.
- (7) Before making the payment to the FCI the representatives of State Governments or their nominees and the FCI shall conduct inspection of the stocks of foodgrains intended for issue to ensure that, the ‘stocks conform to the prescribed quality specifications:
- (8) The FCI shall, issue to the State Governments stack-wise samples of the stocks of foodgrains supplied to them for distribution under the Public Distribution System at the time of dispatch.
- (9) State Governments shall exercise necessary checks to ensure that full quantity lifted by them reaches their godowns and in turn the fair price shops.

## **The Public Distribution System Control Order, 2001**

- (10) State Governments shall ensure that stocks of essential commodities under the Public Distribution System, as issued from the FCI godowns, are not replaced by stocks of inferior quality during storage, transit or any other stage till delivery to the ration card holder.

+ **Substituted by G S R No. 392(E) dated 29.6.2004.**

### **+ [5. Licensing.**

State Governments shall issue an order under section 3 of the Act for regulating the sale and distribution of the essential commodities. The licenses to the fair price shop owner shall be issued under the said order by the 'designated authority' appointed by the State, Government and the authority shall lay down the duties and responsibilities of the fair price shop owner. The responsibilities and duties of fair price, shop owners shall include, inter alia:]

- (i) Sale of essential commodities as per the entitlement of ration card holders at the retail issue prices fixed by the concerned State Government under the Public Distribution System.
- (ii) Display of information on a notice at a prominent place in the shop on daily basis regarding (a) list of BPL and Antodaya beneficiaries, (b) entitlement of essential commodities, (c) scale of issue, (d) retail issue prices, (e) timings of opening and closing of the fair price shop, (f) stock of essential commodities received during the month (g) opening and closing stock of essential commodities and (h) the authority for redressal of grievances/lodging complaints with respect to quality and quantity of essential commodities under the Public Distribution System;
- (iii) maintenance of records of ration card holders (APL, BPL and Antyodaya), stock register, issue or sale register.
- (iv) furnishing of copies of specified documents, namely, ration card register, stock register, sale register to the office of the Gram Panchayat or Nagar Palika or Vigilance Committee or any other body authorized by State Governments for the purpose;
- (v) display of samples of food grains beings applied through the fair price shop;

- (vi) production of books and records relating to the allotment and distribution of essential commodities to the inspecting agency and furnishing of such information as may be called for by the designated authority.
- (vii) account of the actual distribution of essential commodities and the balance stock at the end of the month to the designated authority of the concerned State Government with a copy to the Gram Panchayat.
- (viii) opening and closing of the fair price shop as per the prescribed timings displayed on the notice board.

+ **Portion substituted by G S R No. 392(E) dated 29.6.2004.**

**6. Monitoring.**

- (1) State Governments shall ensure a proper system of monitoring of the fair price shops and prekrise model sale register, stock register and ration card register.
- (2) State Governments shall ensure regular inspections of fair price shops not less than once in six months by the designated authority. State Governments may issue orders specifying the inspection schedule, list of check points and the authority responsible for ensuring compliance with the said orders.
- (3) Meetings of the Vigilance Committees on the Public Distribution System at the State, District, Block and FPS level shall be held on a regular basis. The date and periodicity shall be notified by State Governments. However; the periodicity shall not be less than one meeting a quarter at **all** levels.
- (4) State Government shall ensure a periodic system of reporting and the complete information in this regard shall be sent in the prescribed form as follows:
  - (i) By fair price shops to the District Authorities by the 7th of the month following the month for which allocation is made in Form. 'A'.
  - (ii) By the District Authorities to State Government by the 15<sup>th</sup> of the month following the month for which allocation is made in Form 'W'.
  - (iii) By the State Government to the Central Government by the end of the month following the month for which allocation is made in Form 'C'.

**The Public Distribution System Control Order, 2001**

- (5) Future allocation of foodgrains to States shall be linked to the receipt of regular reports from the respective States and furnishing of utilization certificates by them within a period of two months from the month for which allocation is made.
- (6) State Governments shall ensure monitoring of the functioning of the Public Distribution System at the fair price shop level through the computer network of the NIC installed in the District, NIC centers. For this purpose computerized codes shall be issued to each FPS in the district.
- (7) State Governments shall educate the ration card holders regarding their rights and privileges under the Public Distribution System by use of electronic and print media as well as display boards outside fair price shops.
- (8) State Governments shall issue and adopt the Citizen's Charter based on the model Citizens Charter issued by the Central Government.
- (9) The designated authority shall direct the concerned fair price shop owner to provide relevant extracts of the documents maintained by him on an application made by a beneficiary, on payment of a prescribed fee.

**+ [7. Appellate Authority.**

The State Governments shall appoint an officer of that Government not below the rank of Additional District Magistrate of a District as "Appellate Authority" for exercising the powers conferred upon and discharging the functions assigned to him under this Order:

Provided that an appeal pending before an appellate authority immediately before the commencement of the Public Distribution System (Control) Amendment Order, 2004 shall be disposed of by such authority as if this amendment had not taken place".]

**+ Substituted by G S R No. 392(E) dated 29.6.2004.**

**Form A**

*(See Clause 8)*

Proforma for Reporting the Functioning of Fair Price Shops

Month - ..... Year - .....

A. Name of State: \_\_\_\_\_ State Code: \_\_\_\_\_

B. Name of the District: \_\_\_\_\_ District Code: \_\_\_\_\_

C. Name of the Block : \_\_\_\_\_ Block Code : \_\_\_\_\_

D. Number/Name of the FPS: \_\_\_\_\_ FPS \_\_\_\_\_

Code : \_\_\_\_\_

E. No. of the Ration Cards attached to. FPS:

Antyodaya

BPL

APL

OTHERS

TOTAL:

(In quintals)

Commodities	Opening Stock at the Beginning of the month	Allocation for the Month	Qty. Actually received by FPS	Total Qty (2+4)	Quantity Distributed	Closing Stock
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Rice: APL BPL Antyodaya						
Wheat: APL BPL Antyodaya						
Levy Sugar						
Edible Oil						
Kerosene						



**The Public Distribution System Control Order, 2001**

**Form B**

*(See Clause 8)*

Proforma for reporting The Functioning of Fair Price Shops at District Level

Month - ..... Year - .....

- A. Name of State: \_\_\_\_\_ State Code: \_\_\_\_\_
- B. Name of the District: \_\_\_\_\_ District Code: \_\_\_\_\_
- C. Total Number of Fair Price Shops in the District at the end of the Month:
- D. Details regarding FPS which received the PDS commodities during the month.

Sr. No.	Commodity	No. of FPS
1.	Wheat	
2.	Rice	
3.	Sugar	
4.	Edible Oil	
5.	Kerosene	

- E. No. of Ration Cards:

Antyodaya

BPL

APL

OTHERS

TOTAL:

- i) Number of ration cards at the beginning of the month.
- ii) Number of ration cards issued during the month.
- iii) Number of ration cards cancelled during the month.
- iv) Number of ration cards at the close of the month.

## F. Allocation/Distribution by the Dist. Authorities

(Qty. in quintals)

Commodities	Opening Stock with FPS	Total Monthly Allocation	Total Stock	Allocation to FPS		Lifting by FPS		Quantity Distributed	Closing Stock at end of the month
				No.	Qty.	No.	Qty.		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Rice: APL BPL Antyodaya									
Wheat: APL BPL Antyodaya									
Levy Sugar									
Edible Oil									
Kerosene									

## G. Allocation/Distribution by the FPS

(Qty. in quintals)

**The Public Distribution System Control Order, 2001**

Commodities	Opening Stock with FPS	Total Monthly Allocation to FPS	Total Stock	Allocation to FPS		Lifting by FPS		Quantity Distributed	Closing Stock at end of the month
				No.	Qty.	No.	Qty.		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Rice: APL BPL Antyodaya									
Wheat: APL BPL Antyodaya									
Levy Sugar									
Edible Oil									
Kerosene									

## Form C

(See Clause 8)

Proforma for Reporting the Functioning of Fair Price Shops at State Level

Month - ..... Year - .....

A. Name of State: \_\_\_\_\_ State Code: \_\_\_\_\_

B. No. of Ration Cards.

Antyodaya

BPL

APL

OTHERS

TOTAL:

i) Number of ration cards at the beginning of the month.

ii) Number of ration cards issued during the month.

iii) Number of ration cards cancelled during the month.

vi) Number of ration cards at the close of the month.

C. Total Number of Fair Price Shops at the end of the Month :

D. Details regarding FPS which received the PDS commodities during the month.

Sr. No.	Commodity	No. of FPS
1.	Wheat	
2.	Rice	
3.	Sugar	
4.	Edible Oil	
5.	Kerosene	

**The Public Distribution System Control Order, 2001**

E Allocation/Distribution by the State Govt.

(Qty. in quintals)

Commodities	Opening Stock at the beginning of the month	Total Monthly Allocation	Qty. Procured under decentralized procurement scheme	Total Stock	Allocation to FPS		Lifting by FPS		Quantity Distributed	Closing Stock at end of the month
					No.	Qty.	No.	Qty.		
(1)	(2)	(3)	(4)		(5)	(6)	(7)	(8)	(9)	(10)
Rice: APL BPL Antyodaya										
Wheat: APL BPL Antyodaya										
Levy Sugar										
Edible Oil										
Kerosene										

## F Allocation/Distribution by EPS

(Qty. in quintals)

Code	Commodities	Opening Stock with the EPS	Qty Allocated to FPS	Qty. Received by FPS	Total Qty with FPS	Quantity Distributed by FPS	Closing Stock with FPS
(1)	(2)	(3)	(4)	(5)		(10)	
	Rice: (i) APL (ii) BPL						
	Wheat: (i) APL (ii) BPL						
	Levy Sugar						
	Edible Oil						
	Kerosene						

**Foot Note : (i) The Principal Order was published in G O I Extra, vide G.S.R. number 638(E) dated 31-8-2001**

**(ii) The Public Distribution System (Control) (Amendment) Order, 2004 is published vide G S R No. 392(E) dated 29.6.2004.**



**THE NATIONAL FOOD SECURITY ACT, 2013**

No. 20 OF 2013

**MINISTRY OF LAW AND JUSTICE**

(Legislative Department)

*New Delhi, the 10th September, 2013* 1 Bhadra 19, 1935 (Saka)

The following Act of Parliament received the assent of the President on the 10th September, 2013, and is hereby published for general information:

[10th September, 2013.]

An Act to provide for food and nutritional security in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices to people to live a life with dignity and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows :-

**CHAPTER I**

Preliminary

1. (1) This Act may be called the National Food Security Act, 2013.
- (2) It extends to the whole of India.
- (3) Save as otherwise provided, it shall be deemed to have come in force on the 5th day of July, 2013.
2. In this Act, unless the context otherwise requires –
  - (1) “anganwadi” means a child care and development centre set up under the Integrated Child Development Services Scheme of the Central Government to render services covered under section 4, clause (a) of sub-section (1) of section 5 and section 6;
  - (2) “central pool” means the stock of foodgrains which is,—
    - (i) procured by the Central Government and the, State Governments through minimum support price operations;
    - (ii) maintained for allocations under the Targeted Public Distribution System, other welfare schemes, including calamity relief and such other schemes;



## **The National Food Security Act 2013**

- (iii) kept as reserves for schemes referred to in sub-clause (ii):
- (3) “eligible households” means households covered under the priority households and the Antyodaya Anna Yojana referred to in sub-section (1) of section 3;
  - (4) “fair price shop” means a shop which has been licensed to distribute essential commodities by an order issued under section 3 of the Essential Commodities Act, 1955, to the ration card holders under the Targeted Public Distribution System;
  - (5) “foodgrains” means rice, wheat or coarse grains or any combination thereof conforming to such quality norms as may be determined, by order, by the Central Government from time to time;
  - (6) “food security” means the supply of the entitled quantity of foodgrains and meal specified under Chapter II;
  - (7) “food security allowance” means the amount of money to be paid by the concerned State Government to the entitled persons under section 8;
  - (8) “local authority” includes Panchayat, municipality, district board, cantonment board, town planning authority and in the States of Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura where Panchayats do not exist, the village council or committee or any other body, by whatever name called, which is authorised under the Constitution or any law for the time being in force for self-governance or any other authority or body vested with the control and management of civic services, within a specified local area;
  - (9) “meal” means hot cooked or pre-cooked and heated before its service meal or take home ration, as may be prescribed by the Central Government;
  - (10) “minimum support price” means the assured price announced by the Central Government at which foodgrains are procured from farmers by the Central Government and the State Governments and their agencies, for the central pool;
  - (11) “notification” means a notification issued under this Act and published in the Official Gazette;
  - (12) “other welfare schemes” means such Government schemes, in addition to the Targeted Public Distribution System, under which foodgrains or meals are supplied as part of the schemes;

- (13) “person with disability” means a person defined as such in clause (t) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;
- (14) “priority households” means households identified as such under section 10;
- (15) “prescribed” means prescribed by rules made under this Act;
- (16) “ration card” means a document issued under an order or authority of the State Government for the purchase of essential commodities from the fair price shops under the Targeted Public Distribution System;
- (17) “rural area” means any area in a State except those areas covered by any urban local body or a cantonment board established or constituted under any law for the time being in force;
- (18) “Schedule” means a Schedule appended to this Act;
- (19) “senior citizen” means a person defined as such under clause (h) of section 2 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007;
- (20) “social audit” means the process in which people collectively monitor and evaluate the planning and implementation of a programme or scheme;
- (21) “State Commission” means the State Food Commission constituted under section 16;
- (22) “State Government”; in relation to a Union territory, means the Administrator thereof appointed under article 239 of the Constitution;
- (23) “Targeted Public Distribution System” means the system for distribution of essential commodities to the ration card holders through fair price shops;
- (24) “Vigilance Committee” means a committee constituted under section 29 to supervise the implementation of all schemes under this Act;
- (25) the words and expressions not defined here but defined in the Essential Commodities Act, 1955, or any other relevant Act shall have the meaning respectively assigned to them in those Acts.

**CHAFFER II**

Provisions For Food Security

3. (1) Every person belonging to priority households, identified under sub-section (1) of section 10, shall be entitled to receive five kilograms of foodgrains per person per month at subsidised prices specified in Schedule I from the State Government under the Targeted Public Distribution System:

Provided that the households covered under Antyodaya Anna Yojana shall, to such extent as may be specified by the Central Government for each State in the said scheme, be entitled to thirty-five kilograms of foodgrains per household per month at the prices specified in, Schedule I:

Provided further that if annual allocation of foodgrains to any State under the Act is less than the average annual offtake of foodgrains for last three years under normal Targeted Public Distribution System, the same shall be protected at prices as may be determined by the Central Government and the State shall be allocated foodgrains as specified in Schedule IV.

*Explanation* - For the purpose of this section, the “Antyodaya Anna Yojana” means, the scheme by the said name launched by the Central Government on the 25th day of December, 2000; and as modified from time to time.

- (2) The entitlements of the persons belonging to the eligible households referred to in sub-section (1) at subsidised prices shall extend up to seventy-five per cent. of the rural population and up to fifty per cent. of the urban population.
- (3) Subject to sub-section (1), the State Government may provide to the persons belonging to eligible households, wheat flour in lieu of the entitled quantity of foodgrains in accordance with such guidelines as may be specified by the Central Government.
4. Subject to such schemes as may be framed by the Central Government, every pregnant woman and lactating mother shall be entitled to—
- (a) meal, free of charge, during pregnancy and six months after the child birth, through the local anganwadi, so as to meet the nutritional standards specified in Schedule II; and

- (b) maternity benefit of not less than rupees six thousand, in such instalments as may be prescribed by the Central Government:

Provided that all pregnant women and lactating mothers in regular employment with the Central Government or State Governments or Public Sector Undertakings or those who are in receipt of similar benefits under any law for the time being in force shall not be entitled to benefits specified in clause (b).

5. (1) Subject to the provisions contained in clause (b), every child up to the age of fourteen years shall have the following entitlements for his nutritional needs, namely:—

- (a) in the case of children in the age group of six months to six years, age appropriate meal, free of charge, through the local *anganwadi* so as to meet the nutritional standards specified in Schedule II:

Provided that for children below the age of six months, exclusive breast feeding shall be promoted;

- (b) in the case of children, up to class VIII or within the age group of six to fourteen years, whichever is applicable, one mid-day meal, free of charge, everyday, except on school holidays, in all schools run by local bodies, Government and Government aided schools, so as to meet the nutritional standards specified in Schedule II

- (2) Every school, referred to in clause (b) of sub-section (1), and *anganwadi* shall have facilities for cooking meals, drinking water and sanitation:

Provided that in urban areas facilities of centralised kitchens for cooking meals may be used, wherever required, as per the guidelines issued by the Central Government.

6. The State Government shall, through the local *anganwadi*, identify and provide meals, free of charge, to children who suffer from malnutrition, so as to meet the nutritional standards specified in Schedule II
7. The State Governments shall implement schemes covering entitlements under sections 4, 5 and section 6 in accordance with the guidelines, including cost sharing, between the Central Government and the State Governments in such manner as may be prescribed by the Central Government.

**CHAFFER III**

**FOOD SECURITY ALLOWANCE**

8. In case of non-supply of the entitled quantities of foodgrains or meals to entitled persons under Chapter H, such persons shall be entitled to receive such food security allowance from the concerned State Government to be paid to each person, within such time and manner as may be prescribed by the Central Government.

**CHAPTER IV**

**IDENTIFICATION OF ELIGIBLE HOUSEHOLDS**

9. The percentage coverage under the Targeted Public Distribution System in rural and urban areas for each State shall, subject to sub-section (2) of section 3, be determined by the Central Government and the total number of persons to be covered in such rural and urban areas of the State shall be calculated on the basis of the population estimates as per the census of which the relevant figures have been published.

10. (1) The State Government shall, within the number of persons determined under section 9 for the rural and urban areas, identify -

- (a) the households to be covered under the Antyodaya Anna Yojana to the extent specified under sub-section (1) of section 3, in accordance with the guidelines applicable to the said scheme;
- (b) the remaining households as priority households to be covered under the Targeted Public Distribution System, in accordance with such guidelines as the State Government may specify:

Provided that the State Government may, as soon as possible, but within such period not exceeding three hundred and sixty-five days, after the commencement of the Act, identify the eligible households in accordance with the guidelines framed under this sub-section:

Provided further that the State Government shall continue to receive the allocation of foodgrains from the Central Government under the existing Targeted Public Distribution System, till the identification of such households is complete.

- (2) The State Government shall update the list of eligible households, within the number of persons determined under section 9 for the rural and urban areas, in accordance with the guidelines framed under sub-section (1).

- 11.** The State Government shall place the list of the identified eligible households in the public-domain and display it prominently.

**CHAPTER V**

**REFORMS IN TARGETED PUBLIC DISTRIBUTION SYSTEM**

- 12.** (1) The Central and State Governments shall endeavour to progressively undertake necessary reforms in the Targeted Public Distribution System in consonance with the role envisaged for them in this Act.
- (2) The reforms shall, inter alia, include-
- (a) doorstep delivery of foodgrains to the Targeted Public Distribution System outlets;
  - (b) application of information and communication technology tools including end-to-end computerisation in order to ensure transparent recording of transactions at all levels, and to prevent diversion;
  - (c) leveraging “aadhaar” for unique identification, with biometric information of entitled beneficiaries for proper targeting of benefits under this Act;
  - (d) full transparency of records;
  - (e) preference to public institutions or public bodies such as Panchayats, self-help groups, co-operatives, in licensing of fair price shops and management of fair price shops by women or their collectives;
  - (f) diversification of commodities distributed under the Public Distribution System over a period of time;
  - (g) support to local public distribution models and grains banks;
  - (h) introducing schemes, such as, cash transfer, food coupons, or other schemes, to the targeted beneficiaries in order to ensure their foodgrain entitlements specified in Chapter II, in such area and manner as may be prescribed by the Central Government -

**CHAPTER VI**

**WOMEN EMPOWERMENT**

- 13.** (1) The eldest woman who is not less than eighteen years of age, in every eligible household, shall be head of the household for the purpose of issue of ration cards.

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- (2) Where a household at any time does not have a woman or a woman of eighteen years of age or above, but has a female member below the age of eighteen years, then, the eldest male member of the household shall be the head of the household for the purpose of issue of ration card and the female member, on attaining the age of eighteen years, shall become the head of the household for such ration cards in place of such male member.

### **CHAFFER VII**

#### **GRIEVANCE REDRESSAL MECHANISM**

- 14.** Every State Government shall put in place an internal grievance redressal mechanism which may include call centres, help lines, designation of nodal officers, or such other mechanism as may be prescribed.
- 15.** (1) The State Government shall appoint or designate, for each district, an officer to be the District Grievance Redressal Officer for expeditious and effective redressal of grievances of the aggrieved persons in matters relating to distribution of entitled foodgrains or meals under Chapter II, and to enforce the entitlements under this Act.
- (2) The qualifications for appointment as District Grievance Redressal Officer and its powers shall be such as may be prescribed by the State Government.
- (3) The method and terms and conditions of appointment of the District Grievance Redressal Officer shall be such as may be prescribed by the State Government
- (4) The State Government shall provide for the salary and allowances of the District Grievance Redressal Officer and other staff and such other expenditure as may be considered necessary for their proper functioning.
- (5) The officer referred to in sub-section (1) shall hear complaints regarding non-distribution of entitled foodgrains or meals, and matters relating thereto, and take necessary action for their redressal in such manner and within such time as may be prescribed by the State Government.
- (6) Any complainant or the officer or authority against whom any order has been passed by officer referred to in sub-section (1), who is not satisfied with the redressal of grievance may file an appeal against such order before the State Commission.

(7) Every appeal under sub-section (6) shall be filed in such manner and within such time as may be prescribed by the State Government.

**16. (1)** Every State Government shall, by notification, constitute a State Food Commission for the purpose of monitoring and review of implementation of this Act.

(2) The State Commission shall consist of -

- (a) a Chairperson;
- (b) five other Members; and
- (c) a Member-Secretary, who shall be an officer of the State Government not below the rank of Joint Secretary to that Government:

Provided that there shall be at least two women, whether Chairperson, Member or Member-Secretary:

Provided further that there shall be one person belonging to the Scheduled Castes and one person belonging to the Scheduled Tribes, whether Chairperson, Member or Member-Secretary.

(3) The Chairperson and other Members shall be appointed from amongst persons -

- (a) who are or have been member of the All India Services or any other civil services of the Union or State or holding a civil post under the Union or State having knowledge and experience in matters relating to food security, policy making and administration in the field of agriculture, civil supplies, nutrition, health or any allied field; or
- (b) of eminence in public life with wide knowledge and experience in agriculture, law, human rights, social service, management, nutrition, health, food policy or public administration; or
- (c) who have a proven record of work relating to the improvement of the food and nutrition rights of the poor.

(4) The Chairperson and every other Member shall hold office for a term not exceeding five years from the date on which he enters upon his office and shall be eligible for reappointment:



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Provided that no person shall hold office as the Chairperson or other Member after he has attained the age of sixty-five years.

- (5) The method of appointment and other terms and conditions subject to which the Chairperson, other Members and Member-Secretary of the State Commission may be appointed, and time, place and procedure of meetings of the State Commission (including the quorum at such meetings) and its powers, shall be such as may be prescribed by the State Government.
- (6) The State Commission shall undertake the following functions, namely:-
  - (a) monitor and evaluate the implementation of this Act, in relation to the State;
  - (b) either *suo motu* or on receipt of complaint inquire into violations of entitlements provided under Chapter II;
  - (c) give advice to the State Government on effective implementation of this Act;
  - (d) give advice to the State Government, their agencies, autonomous bodies as well as non-governmental organisations involved in delivery of relevant services, for the effective implementation of food and nutrition related schemes, to enable individuals to fully access their entitlements specified in this Act;
  - (e) hear appeals against orders of the District Grievance Redressal Officer;
  - (f) prepare annual reports which shall be laid before the State Legislature by the State Government.
- (7) The State Government shall make available to the State Commission, such administrative and technical staff, as it may consider necessary for proper functioning of the State Commission.
- (8) The method of appointment of the staff under sub-section (7), their salaries, allowances and conditions of service shall be such, as may be prescribed by the State Government.
- (9) The State Government may remove from office the Chairperson or any Member who -
  - (a) is, or at any time has been, adjudged as an insolvent; or
  - (b) has become physically or mentally incapable of acting as a member; or

- (c) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or
  - (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or
  - (e) has so abused his position as to render his continuation in office detrimental to the public interest.
- (10) No such Chairperson or Member shall be removed under clause (d) or clause (e) of sub-section (9) unless he has been given a reasonable opportunity of being heard in the matter.

17. The State Government shall provide for salary and allowances of Chairperson, other Members, Member-Secretary, support staff, and other administrative expenses required for proper functioning of the State Commission.
18. The State Government may, if considers it necessary, by notification, designate any statutory commission or a body to exercise the powers and perform the functions of the State Commission referred to in section 16.
19. Notwithstanding anything contained in sub-section (1) of section 16, two or more States may have a Joint State Food Commission for the purposes of this Act with the approval of the Central Government.
20. (1) The State Commission shall, while inquiring into any matter referred to in clauses (b) and (e) of sub-section (6) of section 16, have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, and, in particular, in respect of the following matters, namely: -
- (a) summoning and enforcing the attendance of any person and examining him on oath;
  - (b) discovery and production of any document;
  - (c) receiving evidence on affidavits;
  - (d) requisitioning any public record or copy thereof from any court or office; and
  - (e) issuing commissions for the examination of witnesses or document&
- (2) The State Commission shall have the power to forward any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case

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has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973.

- 21.** No act or proceeding of the State Commission shall be invalid merely by reason
- (a) any vacancy in, or any defect in the constitution of, the State Commission; or
  - (b) any defect in the appointment of a person as the Chairperson or a Member of the State Commission; or
  - (c) any irregularity in the procedure of the State Commission not affecting the merits of the case.

### **CHAPTER VIII**

#### **OBLIGATIONS OF CENTRAL GOVERNMENT FOR FOOD SECURITY**

- 22.** (1) The Central Government shall, for ensuring the regular supply of foodgrains to persons belonging to eligible households, allocate from the central pool the required quantity of foodgrains to the State Governments under the Targeted Public Distribution System, as per the entitlements under section 3 and at prices specified in Schedule I.
- (2) The Central Government shall allocate foodgrains in accordance with the number of persons belonging to the eligible households identified in each State under section 10.
- (3) The Central Government shall provide foodgrains in respect of entitlements under sections 4, 5 and section 6, to the State Governments, at prices specified for the persons belonging to eligible households in Schedule I.
- (4) Without prejudice to sub-section (1), the Central Government shall,
- (a) procure foodgrains for the central pool through its own agencies and the State Governments and their agencies;
  - (b) allocate foodgrains to the States;
  - (c) provide for transportation of foodgrains, as per allocation, to the depots designated by the Central Government in each State;
  - (d) provide assistance to the State Government in meeting the expenditure incurred by it towards intra-State movement, handling of foodgrains and margins paid to fair price shop dealers, in accordance with such norms and manner as may be prescribed by the Central Government; and

- (e) create and maintain required modern and scientific storage facilities at various levels.

**23.** In case of short supply of foodgrains from the central pool to a State, the Central Government shall provide funds to the extent of short supply to the State Government for meeting obligations under Chapter II in such manner as may be prescribed by the Central Government.

## **CHAPTER IX**

### **OBLIGATIONS OF STATE GOVERNMENT FOR FOOD SECURITY**

**24.** The State Government shall be responsible for implementation and monitoring of the schemes of various Ministries and Departments of the Central Government in accordance with guidelines issued by the Central Government for each scheme, and their own schemes, for ensuring food security to the targeted beneficiaries in their State.

- (2) Under the Targeted Public Distribution System, it shall be the duty of the State Government to -
  - (a) take delivery of foodgrains from the designated depots of the Central Government in the State, at the prices specified in Schedule I, organise intra-State allocations for delivery of the allocated foodgrains through their authorised agencies at the door-step of each fair price shop; and
  - (b) ensure actual delivery or supply of the foodgrains to the entitled persons at the prices specified in Schedule I.
- (3) For foodgrain requirements in respect of entitlements under sections 4, 5 and section 6, it shall be the responsibility of the State Government to take delivery of foodgrains from the designated depots of the Central Government in the State, at the prices specified in, , Schedule I for persons belonging to eligible households and ensure actual delivery of entitled benefits, as specified in the aforesaid sections.
- (4) In case of non-supply of the entitled quantities of foodgrains or meals to entitled persons under Chapter II, the State Government shall be responsible for payment of food security allowance specified in section 8.
- (5) For efficient operations of the Targeted Public Distribution System, every State Government shall,—
  - (a) create and maintain scientific storage facilities at the State, District and Block levels, being sufficient to accommodate foodgrains required under the Targeted Public Distribution System and other food based welfare schemes;

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- (b) suitably strengthen capacities of their Food and Civil Supplies Corporations and other designated agencies;
- (c) establish institutionalised licensing arrangements for fair price shops in accordance with the relevant provisions of the Public Distribution System (Control) Order, 2001 made under the Essential Commodities Act, 1955, as amended from time to time.

### **CHAFFER X**

#### **OBLIGATIONS OF LOCAL AUTHORITIES**

- 25.** (1) The local authorities shall be responsible for the proper implementation of this Act in their respective areas.
- (2) Without prejudice to sub-section (1), the State Government may assign, by notification, additional responsibilities for implementation of the Targeted Public Distribution System to the local authority
- 26.** In implementing different schemes of the Ministries and. Departments of, the Central Government and the State Governments, prepared to implement provisions of this Act, the local authorities shall be responsible for discharging such duties and responsibilities as may be assigned to them, by notification, by the respective State Governments.

### **CHAPTER XI**

#### **TRANSPARENCY AND ACCOUNTABILITY**

- 27.** All Targeted Public Distribution System related records shall be placed in the public domain and kept open for inspection to the public, in such manner as may be prescribed by the State Government.
- 28.** (1) Every local authority, or any other authority or body, as may be authorised by the State Government, shall conduct or cause to be conducted, periodic social audits on the functioning of fair price shops, Targeted Public Distribution System and other welfare schemes, and cause to publicise its findings and take necessary action, in such manner as may be prescribed by the State Government.
- (2) The Central Government may, if it considers necessary, conduct or cause to be conducted social audit through independent agencies having experience in conduct of such audits.

- 29.** (1) For ensuring transparency and proper functioning of the Targeted Public Distribution System and accountability of the functionaries in such system, every State Government shall set up Vigilance Committees as specified in the Public Distribution System (Control) Order, 2001, made under the Essential Commodities Act, 1955, as amended from time to time, at the State, District, Block and fair price shop levels consisting of such persons, as may be prescribed by the State Government giving due representation to the local authorities, the Scheduled Castes, the Scheduled Tribes, women and destitute persons or persons with disability.
- (2) The Vigilance Committees shall perform the following functions, namely:
- (a) regularly supervise the implementation of all schemes under this Act;
  - (b) inform the District Grievance Redressal Officer, in writing, of any violation of the provisions of this Act; and
  - (c) inform the District Grievance Redressal Officer, in writing, of any malpractice or misappropriation of funds found by it.

**CHAFFER XII**

**PROVISIONS FOR ADVANCING FOOD SECURITY**

- 30.** The Central Government and the State Governments shall, while implementing the provisions of this Act and the schemes for meeting specified entitlements, give special focus to the needs of the vulnerable groups especially in remote areas and other areas which are difficult to access, hilly and tribal areas for ensuring their food security.
- (h) manner in which the Targeted Public Distribution System related records shall be placed in the public domain and kept open for inspection to public under section 27;
  - (i) manner in which the social audit on the functioning of fair price shops, Targeted Public Distribution System and other welfare schemes shall be conducted under section 28;
  - (j) composition of Vigilance Committees under sub-section (1) of section 29;
  - (k) schemes or programmes of the Central Government or the State Governments for utilisation of institutional mechanism under section 43;
  - (l) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the State Government by rules.

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- 31.** Every rule, notification and guidelines made or issued by the State Government under this Act shall, as soon as may be after it is made or issued, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.

### **CHAPTER XIII**

#### **MISCELLANEOUS**

- 32.** (1) The provisions of this Act shall not preclude the Central Government or the State Government from continuing or formulating other food based welfare schemes.
- (2) Notwithstanding anything contained in this Act, the State Government may, continue with or formulate food or nutrition based plans or schemes providing for benefits higher than the benefits provided under this Act, from its own resources.
- 33.** Any public servant or authority found guilty, by the State Commission at the time of deciding any complaint or appeal, of failing to provide the relief recommended by the District Grievance Redressal Officer, without reasonable cause, or willfully ignoring such recommendation, shall be liable to penalty not exceeding five thousand rupees:
- Provided that the public servant or the public authority, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed.
- 34.** (1) For the purpose of adjudging penalty under section 33, the State Commission shall authorize any of its member to be an adjudicating officer for holding an inquiry in the prescribed manner after giving any person concerned a reasonable opportunity of being heard for the purpose of imposing any penalty.
- (2) While holding an inquiry the adjudicating officer shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry and if, on such inquiry, he is satisfied that the person has failed to provide the relief recommended by the District Grievance Redressal Officer, without reasonable cause, or willfully ignored such recommendation, he may impose such penalty as he thinks fit in accordance with the provisions of section 33.
- 35.** (1) The Central Government may, by notification, direct that the powers exercisable by it (except the power to make rules), in such circumstances and subject to such

conditions and limitations, be exercisable also by the State Government or an officer subordinate to the Central Government or the State Government as it may specify in the notification.

- (2) The State Government may, by notification, direct that the powers exercisable by it (except the power to make rules), in such circumstances and subject to such conditions and limitations, be exercisable also by an officer subordinate to it as it may specify in the notification.

**36.** The provisions of this Act or the schemes made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of such law.

**37. (1)** If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend Schedule I or Schedule II or Schedule III or Schedule IV and thereupon Schedule I or Schedule II or Schedule III or Schedule IV, as the case may be, shall be deemed to have been amended accordingly.

- (2) A copy of every notification issued under sub-section (1), shall be laid before each House of Parliament as soon as may be after it is issued.

**38.** The Central Government may, from time to time, give such directions, as it may consider necessary, to the State Governments for the effective implementation of the provisions of this Act and the State Governments shall comply with such directions

**39. (1)** The Central Government may, in consultation with the State Governments and by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) scheme including cost sharing for providing maternity benefit to pregnant women and lactating mothers under clause (b) of section 4;
- (b) schemes covering entitlements under sections 4, 5 and section 6 including cost sharing under section 7;
- (c) amount, time and manner of payment of food security allowance to entitled individuals under section 8;
- (d) introducing schemes of cash transfer, food coupons or other schemes to the targeted beneficiaries in order to ensure their foodgrains entitlements in such areas and manner under clause (h) of sub-section (2) of section 12;



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- (e) the norms and manner of providing assistance to the State Governments in meeting expenditure under clause (d) of sub-section (4) of section 22;
  - (f) manner in which funds shall be provided by the Central Government to the State Governments in case of short supply of foodgrains, under section 23;
  - (g) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the Central Government by rules.
- (3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.
- 40.** (1) The State Government may, by notification, and subject to the condition of previous publication, and consistent with this Act and the rules made by the Central Government, make rules to carry out the provisions of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
    - (a) guidelines for identification of priority households under sub-section (1) of section 10;
    - (b) internal grievance redressal mechanism under section 14;
    - (c) qualifications for appointment as District Grievance Redressal Officer and its powers under sub-section (2) of section 15;
    - (d) method and terms and conditions of appointment of the District Grievance Redressal Officer under sub-section (3) of section 15;
    - (e) manner and time limit for hearing complaints by the District Grievance Redressal Officer and the filing of appeals under sub-sections (5) and (7) of section 15;
    - (f) method of appointment and the terms and conditions of appointment of Chairperson, other Members and Member-Secretary of the State Commission, procedure for meetings of the Commission and its powers, under sub-section (5) of section 16;

- (g) method of appointment of staff of the State Commission, their salaries, allowances and conditions of service under sub-section (8) of section 16;
- (h) manner in which the Targeted Public Distribution System related records shall be placed in the public domain and kept open for inspection to public under section 27;
- (i) manner in which the social audit on the functioning of fair price shops, Targeted Public Distribution System and other welfare schemes shall be conducted under section 28;
- (j) composition of Vigilance Committees under sub-section (1) of section 29;
- (k) schemes or programmes of the Central Government or the State Governments for utilisation of institutional mechanism under section 43;
- (l) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the State Government by rules.
- (3) Every rule, notification and guidelines made or issued by the State Government under this Act shall, as soon as may be after it is made or issued, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.

**41.** The schemes, guidelines, orders and food standard, grievance redressal mechanism, vigilance committees, existing on the date of commencement of this Act, shall continue to be in force and operate till such schemes, guidelines, orders and food standard, grievance redressal mechanism, vigilance committees are specified or notified under this Act or the rules made thereunder:

Provided that anything done or any action taken under the said schemes, guidelines, orders and food standard, grievance redressal mechanism, or by vigilance committees shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or by any action taken under this Act.

**42.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions,

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not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

**43.** The services of authorities to be appointed or constituted under sections 15 and 16 may be utilised in the implementation of other schemes or programmes of the Central Government or the State Governments, as may be prescribed by the State Government.

**44.** The Central Government, or as the case may be, the State Government, shall be liable for a claim by any person entitled under this Act, except in the case of war, flood, drought, fire, cyclone or earthquake affecting the regular supply of foodgrains or meals to such person under this Act:

Provided that the Central Government may, in consultation with the Planning Commission, declare whether or not any such situation affecting the regular supply of foodgrains or meals to such person has arisen or exists.

**45.** (1) The National Food Security Ordinance, 2013 is hereby repealed. (2) Not with standing such repeal, -

(a) anything done, any action taken or any identification of eligible households made; or

(b) any right, entitlement, privilege, obligation or liability acquired, accrued or incurred; or

(c) any guidelines framed or directions issued; or

(d) any investigation, inquiry or any other legal proceeding initiated, conducted or continued in respect of such right, entitlement, privilege, obligation or liability as aforesaid; or

(e) any penalty imposed in respect of any offence,

under the said Ordinance shall be deemed to have been done, taken, made, acquired, accrued, incurred, framed, issued, initiated, conducted, continued or imposed under the corresponding provisions of this Act.

### SCHEDULE I

[See sections 3(1), 22(1), (3) and 24 (2), (3)]

#### SUBSIDISED PRICES UNDER TARGETED PUBLIC DISTRIBUTION SYSTEM

Eligible households shall be entitled to foodgrains under section 3 at the subsidised price not exceeding rupees 3 per kg for rice, rupees 2 per kg for wheat and rupee 1 per kg for coarse grains for a period of three years from the date of commencement of this Act; and thereafter, at such price, as may be fixed by the Central Government, from time to time, not exceeding, -

- (i) the minimum support price for wheat and coarse grains; and
- (ii) the derived minimum support price for rice, as the case may be.

### SCHEDULE II

[See sections 4(a), 5(1) and 6]

#### NUTRITIONAL STANDARDS

*Nutritional standards:* The nutritional standards for children in the age group of 6 months to 3 years, age group of 3 to 6 years and pregnant women and lactating mothers required to be met by providing ‘Take Home Rations’ or nutritious hot cooked meal in accordance with the Integrated Child Development Services Scheme and nutritional standards for children in lower and upper primary classes under the Mid Day Meal Scheme are as follows:

Serial Number	Category	Type of /nee	Calories (Kcal)	Protein (g)
1	2	3	4	5
1.	Children (6 months to 3 years)	Take Home Ration	500	12-15
2.	Children (3 to 6 years)	Morning Snack and Hot Cooked Meal	500	12-15
3.	Children (6 months to 6 years) who are malnourished	Take Home Ration	800	20-25
4.	Lower primary classes	Hot Cooked Meal	450	12
5.	Upper primary classes	Hot Cooked Meal	700	20
6.	Pregnant women and Lactating mothers	Take Home Ration	600	18-20

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## SCHEDULE III

(See section 31)

### PROVISIONS FOR ADVANCING FOOD SECURITY

(1) Revitalisation of Agriculture -

- (a) agrarian reforms through measures for securing interests of small and marginal farmers;
- (b) increase in investments in agriculture, including research and development, extension services, micro and minor irrigation and power to increase productivity and production;
- (c) ensuring livelihood security to farmers by way of remunerative prices, access to inputs, credit, irrigation, power, crop insurance, etc.;
- (d) prohibiting unwarranted diversion of land and water from food production.

(2) Procurement, Storage and Movement related interventions -

- (a) incentivising decentralised procurement including procurement of coarse grains;
- (b) geographical diversification of procurement operations;
- (c) augmentation of adequate decentralised modern and scientific storage;
- (d) giving top priority to movement of foodgrains and providing sufficient number of rakes for this purpose, including expanding the line capacity of railways to facilitate foodgrain movement from surplus to consuming regions.

(3) Others: Access to -

- (a) safe and adequate drinking water and sanitation;
- (b) health care;
- (c) nutritional, health and education support to adolescent girls;
- (d) adequate pensions for senior citizens, persons with disability and single women.

## SCHEDULE IV

[See section 3 (1)]

## STATE-WISE ALLOCATION OF FOODGRAINS

S. No.	Name of the State	Quantity (in lakh tons)
1	2	3
1.	Andhra Pradesh	32.10
2.	Arunachal Pradesh	0.89
3.	Assam	16.95
4.	Bihar	55.27
5.	Chhattisgarh	12.9
6.	Delhi	5.73
7.	Goa	0.59
8.	Gujarat	23.95
9.	Haryana	7.95
10.	Himachal Pradesh	5.08
11.	Jammu and Kashmir	7.51
12.	Jharkhand	16.96
13.	Karnataka	25.56
14.	Kerala	14.25
15.	Madhya Pradesh	34.68
16.	Maharashtra	45.02
17.	Manipur	1.51
18.	Meghalaya	1.76

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19.	Mizoram	0.66
20.	Nagaland	1.38
21.	Odisha	21.09
22.	Punjab	8.7
23.	Rajasthan	27.92
24.	Sikkim	0.44
25.	Tamilnadu	36.78
26.	Tripura	2.71
27.	Uttar Pradesh	96.15
28.	Uttarakhand	5.03
29.	West Bengal	38.49
30.	Andaman and Nicobar Islands	0.16
31.	Chandigarh	0.31
32.	Dadra and Nagar Haveli	0.15
33.	Daman and Diu	0.07
34.	Lakshadweep	0.05
35.	Puducherry	0.50
Total		549.26

**TARGETED PUBLIC DISTRIBUTION SYSTEM (CONTROL) ORDER, 2015.**

**Ministry of Consumer Affairs, Food and Public Distribution**

**(Department of Food and Public Distribution)**

**ORDER**

**New Delhi, the 20th March, 2015**

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G.S.R. 213(E).-Whereas the Central Government is of the opinion that it is necessary and expedient so to do for maintaining supplies and securing availability and distribution of essential commodity, namely, foodgrains under the Targeted Public Distribution System;

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) and in supersession of the Public Distribution System (Control) Order, 2001, except as respects things done or omitted to be done before such supersession and save as otherwise provided hereunder, the Central Government hereby makes the following Order, namely:-

**1. Short title, and commencement.-**

- (1) This Order may be called the Targeted Public Distribution System (Control) Order, 2015.
- (2) It shall come into force on the date of its publication in the Official Gazette:

Provided that provisions of the Public Distribution System (Control) Order, 2001 shall continue to have effect as against the corresponding provisions of this Order in any State which has not implemented the Food Security Act or is implementing the said Act only in part.

**2. Definitions.-In this Order·**

- (a) “Act” means the Essential Commodities Act, 1955 (10 of 1955);
- (b) “allocation month” means the month for which foodgrains are allocated by Central Government and the State Governments for distribution under the Targeted Public Distribution System;
- (c) “Annex” means an Annex appended to this Order;
- (d) “Appellate Authority” means an authority appointed as such by the State Government under sub-clause (1) of clause 15 of this Order;



## Targeted Public Distribution System (Control) Order, 2015

- (e) “**Antyodaya Anna Yojana**” means the scheme by the said name launched by the Central Government on the 25<sup>th</sup> day of December, 2000 and as modified from time to time;
- (f) “**Antyodaya households**” means those households identified by the State Government to receive foodgrains under the Antyodaya Anna Yojana;
- (g) “**authorised agency**” means the concerned Department of State Government or a body corporate or a company owned by it or a co-operative;
- (h) “**Corporation**” means the Food Corporation of India constituted under the Food Corporations Act, 1964 (37 of 1964);
- (i) “**designated authority**” means any officer not below the rank of Food and Civil Supplies Inspector in the State Government;
- (j) “**fair price shop owner**” means a person and includes a cooperative society or a body corporate or a company of a State Government or a Gram Panchayat or any other body in whose name a shop has been licensed to distribute essential commodities under the Targeted Public Distribution System;
- (k) “**Food Security Act**” means the National Food Security Act, 2013 (20 of 2013);
- (l) “**local authority**” includes a panchayat, municipality, district board, cantonment board, town planning authority and in the States of Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura where panchayats do not exist, the village council or committee or any other body, by whatever name called, which is authorised under the Constitution or any other law for the time being in force for self-governance or any other authority or body vested with the control and management of civic services, within a specified local area;
- (m) “**Social audit**” means the process in which people collectively monitor and evaluate the planning and implementation of Targeted Public Distribution System;
- (n) “**State**” includes a Union Territory;
- (o) “**State Government**” includes a Union Territory/Administration;
- (p) “**Vigilance Committee**” means a committee constituted to regularly supervise the functioning of Targeted Public Distribution System in the State;
- (q) words and expressions not defined in this Order but defined in the Act, or the Food Security Act, shall have the meaning respectively assigned to them in those Acts.

**3. Identification of eligible households.-**

- (1) The State-wise percentage coverage of eligible households under the Food Security Act in rural and urban areas respectively for receiving subsidised foodgrains under the Targeted Public Distribution System shall be as in column 4 of Annex-I.
- (2) The State-wise ceiling on coverage of number of persons belonging to eligible households for receiving subsidised foodgrains under the Targeted Public Distribution System, indicated in column 5 of Annex-I, shall be under the following two categories-
  - (i) existing Antyodaya households;
  - (ii) remaining to be covered under priority households category to be identified by State Government as per criteria to be evolved by them subject to the other provisions of this Order.
- (3) The State-wise number of Antyodaya households shall not exceed the accepted number of Antyodaya households in that State, as specified in column 6 of Annex-I:  
  
Provided that when an Antyodaya household becomes ineligible on account of migration outside the State, improvement in social or economic status, death, etc., no new Antyodaya household shall be identified in that State and the total number of Antyodaya households shall be reduced that extent.
- (4) Upon a reduction in the number of Antyodaya households, the States may increase the coverage of the persons to that extent in the priority category, subject to the ceilings prescribed in sub-clause (2).
- (5) The State Government shall prepare and notify the guidelines for identification of priority households in the rural and urban areas, with special focus on coverage of all the vulnerable or needy sections of the society, and display the guidelines' in the public domain including on the State web portal.
- (6) For the purpose of allocation of subsidised foodgrains under Targeted Public Distribution System by the Central Government, there shall be no increase in the State-wise number of persons covered under Targeted Public Distribution System till the data from the next population Census, after the commencement of this Order, becomes available.

## **Targeted Public Distribution System (Control) Order, 2015**

- (7) The list of eligible households shall be drawn up by the designated authority in respect of area under their jurisdiction.
- (8) The State Government shall get the provisional list of eligible households displayed in the public domain including the office of the local authority and on the State web portal, showing the category-wise lists of eligible households and their members.
- (9) The State Government shall use the list of persons as compiled during Census of India by the Registrar General and Census Commissioner or voters list notified by Election Commission of India or Socio Economic and Caste Census data or any other authentic source of data to cross-check and verify the list of eligible households and their members.
- (10) The State Government shall prescribe the detailed procedure for finalisation of the list of eligible households covering, inter-alia, aspects like the process of drawing up of draft list, putting the draft list in the public domain including reading out of the list in meetings of the Gram Sabha or equivalent body in urban areas, inviting objections, disposal of objections, appeals and so on.
- (11) The head of the local authority and the designated authority shall jointly verify and certify the final list of eligible households and the local authority shall pass a resolution adopting the final list of the eligible households.
- (12) The final list of the eligible households shall be displayed in the public domain including office of the local authority and on the State web portal, showing the category-wise names of eligible households and their members.
- (13) The State Government shall regularly review the list of the eligible households for the purpose of deletion of ineligible households or inclusion of eligible households.
- (14) During the review, the State Government shall take into account, inter-alia, the increase in the number of eligible households or their members due to migration in to the State, birth, marriage, change in social and economic status and the decrease in the number of eligible households or their members due to migration outside the State, death, marriage, change in social or economic status:

Provided that the total number of eligible households after the review shall not exceed the ceilings prescribed in sub-clause (2).

**4. Ration Cards.-**

- (1) The State Government shall issue ration cards to the eligible households as mentioned in the final list specified under sub-clause (12) of clause 3:

Provided that while issuing ration cards to the eligible households, the State Government shall ensure that the coverage of the number of eligible households is not merely done with a view to exhaust the State-wise ceiling of number of eligible households.

- (2) The State Government shall issue a ration card only to a citizen of India who is resident of that State and who fulfills the conditions for getting a ration card as may be prescribed by the State Government:

Provided that the State Government may also issue a ration card to a household or a person residing in that State by virtue of the household or person being granted the status of a refugee and is allowed the entitlement of benefits on humanitarian grounds by the Central Government.

- (3) The State Government shall ensure that a ration card, whether paper based or a smart card, is issued for use under the Targeted Public Distribution System or schemes mentioned in the Food Security Act or a specific scheme of the State Government for distribution of essential commodities.
- (4) While issuing a smart card, the State Government shall ensure that a point of sale electronic device for reading the smart card is installed at the fair price shop.
- (5) The State Government shall issue separate and distinct ration cards to the Antyodaya households and the priority households.
- (6) Ration card shall not be used as a document of identity or proof of residence.
- (7) The State Government shall prescribe a suitable form of application for new ration card and modification in the existing ration card.
- (8) Any modification referred to in sub-clause (7) may be on account of shifting of residence, birth or death, change in category of beneficiary, corrections in the details mentioned in the card or any other such reason.

## **Targeted Public Distribution System (Control) Order, 2015**

- (9) The form referred to in sub-clause (7) may include requisite details including Aadhaar number, bank account details, and mobile telephone number.
- (10) The State Government shall retain all the information under this clause in the software prepared by National Informatics Centre or as per the fields and standards prescribed by the Central Government.
- (11) The State Government shall maintain the ration card data in the digitised database and ensure that issue of a new ration card and modification in the existing ration card is undertaken through the software programme so that the database is automatically updated.
- (12) The State Government shall designate the authority and office for receiving, registering, acknowledging and processing of application for issuance of ration card or modification in the ration card.
- (13) The State Government may also prescribe the procedure for receiving the application through online mechanism including the use of e-service centres, kiosks.
- (14) The designated authority shall issue a ration card to an eligible applicant within a reasonable time not exceeding one month of the date of receipt of the application after necessary checks and verification.
- (15) The State Government shall issue a ration card in replacement of existing ration card only when the existing ration card is lost or becomes unfit for use on account of being damaged or mutilated or is exhausted fully or where there are requests for modification in the ration cards.
- (16) The details of the services relating to the ration cards and timeframe for delivery of services shall be notified by the State Government and displayed in the public domain including on the State web portal.
- (17) The list of the ration card holders shall be displayed in the public domain including in the office of the local authority and on the State web portal, showing the category-wise names of the eligible households and their members.
- (18) The State Government shall make all endeavours to eliminate bogus or ineligible ration cards as a continuous exercise.

- (19) The State Government shall organise an annual special drive before the end of every financial year for the elimination of bogus or ineligible ration cards.
- (20) The State Government shall submit a report of ration cards deleted or cancelled on quarterly basis to the Central Government in the format at Annex-II.

**5. Scale of issue and issue price. -**

The Central Government shall make available foodgrains from the Central Pool to the State Governments for distribution under the Targeted Public Distribution System to eligible households at such scales and prices as specified under Food Security Act.

**6. Delivery of foodgrains. -**

- (1) The Corporation shall ensure physical delivery of foodgrains of prescribed quality specifications upto designated depots in each State for distribution under the Targeted Public Distribution System, as per the allocation made by the Central Government, within seven working days of the receipt of payment from the State Government.
- (2) In case of States opting for decentralised procurement, the foodgrains for distribution under Targeted Public Distribution System shall be released by the States as per the allocation made by the Central Government out of the quantity of foodgrains procured and stored for the Central Pool by the State Government or its agencies and in case of any shortfall, the Corporation shall provide the balance quantity of foodgrains at the designated depots in the manner as prescribed in sub-clause (1).
- (3) The State Government shall deposit the cost of foodgrains to the Corporation in advance during the month preceding the allocation month so that the foodgrains are lifted from the Corporation as per the time prescribed in sub-clause (9) of clause 7.

**7. Lifting of foodgrains by States.-**

- (1) The State Government shall lift foodgrains from the designated depots of the Corporation through its authorised agency.
- (2) The State Government shall, on getting allocation of foodgrains from the Central Government, issue allocation orders authorising their agencies to lift foodgrains from the Corporation and such order among others shall specify-

## Targeted Public Distribution System (Control) Order, 2015

- (i) number of cards and units;
  - (ii) balance in hand; lind
  - (iii) allocation made for each month in respect of a fair price shop.
- (3) While making allocation to the fair price shop, the designated authority shall take into account the balance stock, if any, lying undistributed with the fair price shop owner for the subsequent allocations.
- (4) The designated authority shall ensure that one copy of the allocation order made to the fair price shop is delivered to the local authority, vigilance committees, and any other body nominated by the State Government for monitoring the functioning of the fair price shop.
- (5) The State Government shall ensure that the allocation order depicting the stocks of foodgrains allotted during the month to the fair price shops is displayed on the public domain including on the State web portal.
- (6) Before taking delivery of foodgrains from the Corporation, an officer of the State Government not below the rank of Food and Civil Supplies Inspector and an officer of the Corporation shall jointly inspect the stocks of foodgrains intended for issue to ensure that the stocks conform to the prescribed quality specifications.
- (7) After the joint inspection, the Corporation shall issue to the State Government, before dispatch of foodgrains from godown, one stack-wise sealed sample jointly, drawn for display at the fair price shop and a duplicate sealed sample drawn shall be kept with the Corporation for future reference:

Provided that in case the authorised agency of the State Government takes delivery of foodgrains from the Corporation and stores the foodgrains in an intermediate godown before delivering them to the fair price shop dealers, the authorised agency shall follow the procedure under this sub-clause at that intermediate godown:

Provided further that where decentralised procurement of foodgrains is in operation in the States, the authorised agency of the State Government shall follow the procedure under this sub-clause.

- (8) The quantity of the samples to be drawn, retention period of the samples and disposal of the samples shall be as per the instructions issued by the Central Government from time to time.

- (9) The State Government shall ensure the lifting of foodgrains from the Corporation by the last day of the month preceding the allocation month.
- (10) The extension of time for lifting of foodgrains from the Corporation may be considered by the Central Government or the Corporation only in very rare and deserving cases as per the instructions issued by the Central Government.
- (11) The State Government shall devise suitable mechanism for transportation of foodgrains from the Corporation godown to the intermediate godown and the door-step delivery of the foodgrains to the fair price shop:

Provided that the State Government may also transport foodgrains directly to the fair price shop from the Corporation godown and ensure its door-step delivery to the fair price shop.

- (12) The State Government shall furnish a report on quarterly basis to the Central Government regarding door-step delivery in the format at Annex-III.
- (13) The State Government shall exercise necessary checks to ensure that full quantity and the same quality of foodgrains as lifted by them reaches their godowns and in turn at the fair price shop,

**8. Distribution of foodgrains by States.-**

- (1) The allocation of foodgrains made by the Central Government under the Targeted Public Distribution System to the State Government shall be used for distribution as per the provisions of the Food Security Act and not for any other purpose.
- (2) The State Government shall furnish a utilisation certificate every year in the format as at Annex-IV.
- (3) The State Government shall ensure, through the authorised agency, physical delivery of foodgrains to the fair price shop by end of the month preceding the allocation month and in any case not later than the first week of the allocation month.
- (4) The State Government shall obtain a monthly certificate, including through electronic platform, confirming delivery of allocated foodgrains to the fair price shop and their distribution to eligible households during the allocation month.



## **Targeted Public Distribution System (Control) Order, 2015**

- (5) The monthly certificate shall be given by the fair price shop owner and two or more persons as may be authorised by the State Government such as head of the local authority, Executive Officer, Secretary of the local authority, members from the vigilance committees, women's self help group among others.

### **9. Licensing and regulation of fair price shops.-**

- (1) The State Government shall issue an order under section 3 of the Act, but not inconsistent with this Order, for regulating the sale and distribution of the essential commodities.
- (2) The licences to the fair price shop owners shall be issued under the said order and the order issued by the State Government shall be notified and displayed on web portal,
- (3) The designated authority appointed by the State Government shall issue the licences to the fair price shop owners.
- (4) The State Government shall accord preference to public institutions or public bodies such as panchayats, self help groups, cooperative societies in licensing of fair price shops and management of fair price shops by women or their collectives.
- (5) The licences to the fair price shop owners shall be issued keeping in view the viability of the fair price shop.
- (6) The State Government shall ensure that the number of ration card holders attached to a fair price shop are reasonable, the fair price shop is so located that the consumer or ration card holder does not have to face difficulty to reach the fair price shop and that proper coverage is ensured in hilly, desert, tribal and such other areas difficult to access.
- (7) The State Government shall fix an amount as the fair price shop owner's margin, which shall be periodically reviewed for ensuring sustained viability of the fair price shop operations.
- (8) The State Government shall put in place a mechanism to ensure the release of fair price shop owner's margin without any delay.

- (9) The State Government shall allow sale of commodities other than the foodgrains distributed under the Targeted Public Distribution System at the fair price shop to improve the viability of the fair price shop operations.

**10. Operation of fair price shops.-**

- (1) The fair price shop owner shall disburse foodgrains to the ration card holder as per his entitlement under the Targeted Public Distribution System.
- (2) The ration card holder may draw his full entitlement of foodgrains in more than one installment.
- (3) The fair price shop owner shall not retain the ration cards after the supply of the foodgrains.
- (4) The licence issued by the State Government to the fair price shop owner shall lay down the duties and responsibilities of the fair price shop owner, which shall include, inter alia,
- (i) sale of foodgrains as per the entitlement of ration card holders under the Targeted Public Distribution System at the prescribed retail issue price;
  - (ii) display of information on a notice board at a prominent place in the shop on daily basis regarding (a) entitlement of foodgrains, (b) scale of issue, (c) retail issue prices, (d) timings of opening and closing of the fair price shop including lunch break, if any, (e) stock of foodgrains received during the month, (t) opening and closing stock of foodgrains, (g) the mechanism including authority for redressal of grievances with respect to quality and quantity of foodgrains under the Targeted Public Distribution System and (h) toll-free helpline number;
  - (iii) maintenance of the records of ration card holders, e.g. stock register, issue or sale register shall be in the form prescribed by the State Government including in the electronic format in a progressive manner;
  - (iv) display of samples of foodgrains being supplied through the fair price shop;
  - (v) production of books and records relating to the allotment and distribution of foodgrains to the inspecting agency and furnishing of such information as may be called for by the designated authority;

## Targeted Public Distribution System (Control) Order, 2015

(vi) accounts of the actual distribution of foodgrains and the balance stock at the end of the month, at the fair price shop, shall be sent to the designated authority of the State Government with a copy to the local authority;

(vii) opening and closing of the fair price shop as per the prescribed timings displayed on the notice board.

- (5) Any ration card holder desirous of obtaining extracts from the records of a fair price shop owner may make a written request to the owner along with the deposit of the fees specified by the State Government. The fair price shop owner shall provide such extracts of records to the ration card holder within fourteen days from the date of receipt of a request and the fee specified by the State Government:

Provided that the State Government may prescribe the period for which the records are to be kept for providing to the ration card holder by the fair price shop owner.

- (6) The State Government shall prescribe the procedure to be followed by the designated authority in cases where the fair price shop owner does not provide the records in the manner referred in sub-clause (5) to the ration card holder in the stipulated period and the designated authority in each case shall ensure that the records are provided to the ration card holder without any undue delay.
- (7) The designated authority shall take prompt action in respect of violation of any condition of licence including any irregularity committed by the fair price shop owner, which may include suspension or cancellation of the fair price shop owner's licence.
- (8) The State Government shall prescribe the maximum period within which proceedings relating to enquiry into irregularities committed by the fair price shop owner shall be concluded, resulting in any action as under sub-clause (7).
- (9) In case of suspension or cancellation of the licence, the State Government shall make alternative arrangements for ensuring uninterrupted supply of foodgrains to the eligible households:

Provided that in case of cancellation of the licence of the fair price shop owner, new licence shall be issued within a month of cancellation.

- (10) The State Government shall furnish complete information on action taken against a fair price shop owner under this clause annually to the Central Government in the format at Annex-V.

**11. Monitoring.-**

- (1) The State Government shall ensure regular inspections of fair price shops not less than once in three months by the designated authority. The State Government shall issue orders specifying the inspection schedule, list of check points and the authority responsible for ensuring compliance with the said orders.
- (2) The State Government shall ensure that stocks of foodgrains under the Targeted Public Distribution System, as issued from the Corporation godowns, are not replaced or tampered with during storage, transit or any other stage till delivery to the ration card holder.
- (3) Any authority or any person authorised by it in this behalf or any other person, who is engaged in the distribution and handling of foodgrains under the Targeted Public Distribution System, shall not indulge in substitution or adulteration or diversion or theft of stocks at any stage till delivery to the ration card holder.

Explanation.-For the purpose of this clause,-

- (i) “diversion” means unauthorised movement or delivery of foodgrains released from godowns but not reaching the intended beneficiaries under the Targeted Public Distribution System.
- (ii) “substitution” means replacement of foodgrains released from godowns with the same articles of inferior quality for distribution to the intended beneficiaries under the Targeted Public Distribution System.
- (4) The State Government shall set up vigilance committees for the Targeted Public Distribution System at the State, District, Block and fair price shop levels as per the provisions of the Food Security Act to perform functions as specified in the said Act.
- (5) Meetings of the vigilance committees shall be held at least once every quarter at all levels and the date and periodicity of the meeting shall be notified by the State Governments and given wide publicity.

## **Targeted Public Distribution System (Control) Order, 2015**

- (6) The State Government shall send a report annually to the Central Government on the functioning of vigilance committees in the format at Annex-VI.
- (7) The number of meetings held by the vigilance committees shall be displayed on the State web portal and the action taken on issues discussed in meetings of vigilance committees shall be reviewed in the next meeting.
- (8) The State Government shall notify an internal grievance redressal mechanism which shall include toll free call centres and use of State web portal.
- (9) The State Government shall give wide publicity to the up-to-date details of the Grievance Redressal Officer such as name, telephone number including mobile number, office address and the grievance redressal mechanism.
- (10) The State Government shall appoint District Grievance Redressal Officers as per the provisions of the Food Security Act for expeditious and effective redressal of grievances of the aggrieved persons in matters relating to distribution of entitled foodgrains under Targeted Public Distribution System.
- (11) An appeal against the order of the District Grievance Redressal Officer shall be preferred before the State Food Commission constituted under section 16 of the Food Security Act.
- (12) The State Government shall furnish a report on quarterly basis to the Central Government regarding the handling of grievances in the format at Annex-VII.
- (13) The State Government shall issue and adopt a Citizen's Charter as stipulated under law or based on the model Citizen's Charter issued by the Central Government.
- (14) The State Government shall prescribe a system of periodic reporting, including through electronic platform, at various levels within the State regarding the functioning of fair price shops.
- (15) The State Government shall ensure monitoring of the end-to-end operations of the Targeted Public Distribution System through the electronic platform.

Explanation.-For the purpose of this sub-clause "end-to-end operations" shall include activities relating to digitisation of beneficiary, ration cards, and other databases; computerisation of supply-chain management; setting up of transparency portal, grievance redressal mechanism and fair price shop automation.

- (16) The State Government shall take necessary steps to educate the ration card holders regarding their rights and privileges by the use of electronic and print media as well as display boards outside the fair price shops.

**12. Transparency and accountability.-**

- (1) All Targeted Public Distribution System related records shall be placed in the public domain and kept open for inspection to the public in the manner as may be prescribed by the State Government.
- (2) Every local authority, or any other authority or body, as may be authorised by the State Government, shall conduct or cause to be conducted, periodic social audits on the functioning of Targeted Public Distribution System, and cause to publicise its findings and take necessary action, in such manner as may be prescribed by the State Government.
- (3) The Central Government may, if it considers necessary, conduct or cause to be conducted social audit through independent agencies having experience in conduct of such audits.

**13. Penalty.-**If any person contravenes any of the provisions of this Order he shall be liable to punishment under section 7 of the Act.

**14. Power of search and seizure.-**

- (1) An officer authorised by the State Government, shall be competent to inspect or summon such records or documents as may be considered by him necessary for examination and take extracts or copies of any records or documents produced before him.
- (2) If the officer referred to in sub-clause (1) has reasons to believe on receipt of a complaint or otherwise that there has been any contravention of the provisions of this Order or with a view to securing compliance with this Order, he may enter, inspect or search the fair price shop or any premises relevant to transactions of business of the fair price shop.
- (3) The officer referred to in sub-clause (1) may also search, seize or remove such books of accounts or stocks of foodgrains where such authority has reason to believe that these have been used or will be used in contravention of the provisions of this Order.

## **Targeted Public Distribution System (Control) Order, 2015**

- (4) The officer referred to in sub-clause (1) conducting search and seizure under sub-clause (3) shall inform the State Government or any other officer authorised by it in this behalf, the details of the search conducted and the stocks of foodgrains so seized by them under that clause.
- (5) The provisions of section 100 of the Code of Criminal Procedure 1973, relating to search and seizure shall so far as may be, apply to search and seizure under this Order.

### **15. Appeal.-**

- (1) The State Governments shall appoint an officer of that Government not below the rank of Additional District Magistrate of a District as an Appellate Authority for exercising the powers conferred upon and discharging the functions assigned to him under this Order.

Provided that an appeal pending before an Appellate Authority appointed under the Public Distribution System (Control) Order, 2001 shall be disposed of by such authority as if this Order had not been made.

- (2) Any person aggrieved by an order of the designated authority denying the issue or renewal of a ration card or cancellation of the ration card may appeal to the Appellate Authority within thirty days of the date of receipt of the order.
- (3) Any person aggrieved by an order of the designated authority denying the issue or renewal of the licence to the fair price shop owner, or cancellation of the licence may appeal to the Appellate Authority within thirty days of the date of receipt of the order and the Appellate Authority shall, as far as practicable, dispose the appeal within a period of sixty days:

Provided that once an appeal has been disposed of by the Appellate Authority, the time for issue or renewal of the licence of the fair price shop owner by the designated authority referred in sub-clause (9) of clause 10 shall begin from the date of decision of the Appellate Authority on the appeal.

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

- (5) Pending the disposal of an appeal, the Appellate Authority may direct that the order under appeal shall not take effect for such period as the authority may consider necessary for giving a reasonable opportunity to the other party under sub-clause (4) or until the appeal is disposed of, whichever is earlier.

**16. Protection of action taken under order.**-No suit; prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Order.

**17. Power of Central Government to give directions.**-The Central Government may give such directions as it may deem necessary to the State Government for execution of all or any of the provisions of this Order.

[F. No. 9(4)/2012-PD.II]

DEEPAK KUMAR, Jt. Secy.





**TARGETED PUBLIC DISTRIBUTION SYSTEM (CORRIGENDUM) ORDER, 2015.**

**Ministry of Consumer Affairs, Food and Public Distribution**

**(Department of Food and Public Distribution)**

**ORDER**

**New Delhi, the 26th June, 2015**

**CORRIGENDUM**

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**G.S.R. 515(E).**- In the notification of Government of India in the Ministry of Consumer Affairs, Food and Public Distribution (Department of Food and Public Distribution) No. GSR 213(E), dated the 20th March, 2015 published at pages 16-28 of the Gazette of India, Extraordinary, Part II, Section 3 sub-section (i) dated the 20th March, 2015,

(i) In Annex-II, (A),- in table I for “Anny”, read “Anna”;

(B) in table II, for “Anny”, read “Anna”;

(ii) In Annex-VI, in the table, for “/T”,read “/UT”.

**[F. No. 9(4)/2012-PD.II]\**

**DEEPAK KUMAR, Jt. Secy.**



**TARGETED PUBLIC DISTRIBUTION SYSTEM (AMENDMENT) ORDER, 2015.**

**Ministry of Consumer Affairs, Food and Public Distribution**

**(Department of Food and Public Distribution)**

**NOTIFICATION**

**New Delhi, the 28th October, 2015**

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**G.S.R. 814(E).**- In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) the Central Government hereby makes the following Order, to amend the Targeted Public Distribution System (Control) Order, 2015, namely:-

**1. Short title, and commencement.-**

(I) This Order may be called the Targeted Public Distribution System (Control) Amendment Order, 2015.

(2) It shall come into force on the date of its publication in the Official Gazette:

**2. In the Targeted Public Distribution System (Control) Order, 2015 –**

In clause 3:-

(a) In sub clause (2), for item (i) the following shall be substituted, namely:- “(i) Antyodaya households;”;

(b) Proviso to sub-clause (3) shall be deleted; and

(c) Sub-clause (4) shall be deleted.

[F. No. 9(4)/2012-PD.II]

DEEPAK KUMAR, Jt. Secy.

Footnote:- The principal Order was published in the Gazette Extraordinary, Part II, Section 3, Sub-section (i) vide G.S.R. number 213(E) dated 20th March, 2015.

**Targeted Public Distribution System (Amendment) Order, Dt.28-10-2015**

**Annex - I**

**Coverage under the Targeted Public Distribution System under section 3(2) of the National Food Security Act, 2013 (see clause 3)**

S. No.	State/ UT	Population (Census 2011)	Coverage					Antyodaya Anna Yojana (Number of families)*
			as percentage of Population		Number of persons to be covered			
			Rural	Urban	Rural	Urban	Total	
1	2	3	4(i)	4(ii)	5(i)	5(ii)	5(iii)	6
1	Andhra Pradesh	84,665,533	60.96	41.14	34,327,666	11,664,731	45,992,397	1,557,800
2	Arunachal Pradesh	1,382,611	66.31	51.55	708,963	161,581	870,545	38,000
3	Assam	31,169,272	84.17	60.35	22,541,160	2,648,614	25,189,775	704,000
4	Bihar	103,804,637	85.12	74.53	78,374,264	8,742,078	87,116,341	2,501,000
5	Chhattisgarh	25,540,196	84.25	59.98	16,516,082	3,560,735	20,076,817	718,900
6	Delhi (NCT)	16,753,235	37.69	43.59	158,041	7,119,954	7,277,995	156,800
7	Goa	1,457,723	42.24	33.02	232,917	299,263	532,181	18,400
8	Gujarat	60,383,628	74.64	48.25	25,878,298	12,406,431	38,284,729	812,800
9	Haryana	25,353,081	54.61	41.05	9,027,848	3,621,262	12,649,110	302,500
10	Himachal Pradesh	6,856,509	56.23	30.99	3,468,157	213,429	3,681,586	197,100
11	Jammu and Kashmir	12,548,926	63.55	47.10	5,805,178	1,608,044	7,413,222	282,200
12	Jharkhand	32,966,238	86.48	60.20	21,651,951	4,773,434	26,425,385	917,900
13	Karnataka	61,130,704	76.04	49.36	28,554,943	11,638,187	40,193,130	1,199,700
14	Kerala	33,387,677	52.63	39.50	9,186,833	6,293,208	15,480,040	595,800
15	Madhya Pradesh	72,597,565	80.10	62.61	42,082,857	12,559,357	54,642,214	1,581,600
16	Maharashtra	112,372,972	76.32	45.34	46,971,481	23,045,203	70,016,683	2,505,300
17	Manipur	2,855,794	88.56	85.75	1,790,364	715,287	2,505,651	63,600
18	Meghalaya	2,964,007	77.79	50.87	1,842,823	302,695	2,145,517	70,200
19	Mizoram	1,091,014	81.88	48.60	433,175	273,121	706,296	26,100
20	Nagaland	1,980,602	79.83	61.98	1,123,097	355,605	1,478,702	47,500
21	Odisha	41,947,358	82.17	55.77	28,719,429	3,901,738	32,621,167	1,264,500
22	Punjab	27,704,236	54.79	44.83	9,487,875	4,656,688	14,144,562	179,400
23	Rajasthan	68,621,012	69.09	53.00	35,609,149	9,052,811	44,661,960	932,100
24	Sikkim	607,688	75.74	40.36	345,346	61,237	406,582	16,500
25	Tamil Nadu	72,138,958	62.55	37.79	23,261,863	13,207,503	36,469,365	1,864,600
26	Tripura	3,671,032	74.75	49.54	2,025,763	476,070	2,501,833	113,100
27	Uttar Pradesh	199,581,477	79.56	64.43	123,406,329	28,652,314	152,058,643	4,094,500
28	Uttarakhand	10,116,752	65.26	52.05	4,584,895	1,608,953	6,193,849	190,900
29	West Bengal	91,347,736	74.47	47.55	46,330,525	13,853,246	60,183,770	1,985,700
30	A&N Islands	379,944	24.94	1.70	60,956	2,304	63,260	10,700
31	Chandigarh	1,054,686	38.54	47.26	11,178	484,737	495,915	8,800
32	Dadra and Nagar Haveli	342,853	84.19	51.54	154,088	82,376	236,464	6,900
33	Daman and Diu	242,911	26.66	56.47	16,084	103,103	119,187	1,500
34	Lakshadweep	64,429	35.30	33.56	4,985	16,883	21,868	1,200
35	Puducherry	1,244,464	59.68	46.94	235,343	399,048	634,390	32,200
	<b>Total</b>	<b>1,210,327,463</b>	<b>75</b>	<b>50</b>	<b>624,929,906</b>	<b>188,561,229</b>	<b>813,491,135</b>	<b>24,999,800</b>

\* Within the total State-wise number of persons to be covered under National Food Security Act, 2013, as indicated in Column 5(iii).

### Annex-II

Statement on deletion of ineligible or bogus ration cards and inclusion of eligible households for the quarter ending June/ Sept./ Dec./ March [see sub-clause (20) of clause 4]

#### I. NFSA Implementing States.

Household/ Beneficiary Category	Existing number of ration cards at beginning of the quarter	First Quarter ending June		Second Quarter ending September		Third Quarter ending December		Fourth Quarter ending March		No. of ration cards at the end of the quarter/ year
		Number of ration cards deleted/ cancelled	Number of new ration cards issued	Number of ration cards deleted/ cancelled	Number of new ration cards issued	Number of ration cards deleted/ cancelled	Number of new ration cards issued	Number of ration cards deleted/ cancelled	Number of new ration cards issued	
Priority Antyodaya Anny Yojana (AAY)										
Others (specify e.g. those covered by tide over allocation)										
Total										

#### II. States yet to start implementation of NFSA:

Household/ Beneficiary Category	Existing number of ration cards at beginning of the quarter	First Quarter ending June		Second Quarter ending September		Third Quarter ending December		Fourth Quarter ending March		No. of ration cards at the end of the quarter/ year
		Number of ration cards deleted/ cancelled	Number of new ration cards issued	Number of ration cards deleted/ cancelled	Number of new ration cards issued	Number of ration cards deleted/ cancelled	Number of new ration cards issued	Number of ration cards deleted/ cancelled	Number of new ration cards issued	
Antyodaya Anny Yojana (AAY)										
Below Poverty Line (BPL)										
Above Poverty Line (APL)										
Total										

Note: The information shall be furnished within two weeks after the end of every quarter.

**Targeted Public Distribution System (Amendment) Order, Dt.28-10-2015**

**Annex-III**

**Statement on doorstep delivery to the fair price shops for the quarter ending June/ Sept./ Dec./ March [see sub-clause (12) of clause 7]**

Total number of districts in the State/ UT: \_\_\_\_\_

Total number of FPSs in the State/ UT: \_\_\_\_\_

Sl. No.	Name of Agency	Type of Agency*	Nos. of districts covered under doorstep delivery by the Agencies	Total numbers of FPSs covered by the Agency under doorstep delivery
1				
2				
3				
4				
Total				

\*As regards the type of agency, please indicate whether State Civil Supplies Corporation or other apex body, Cooperative Societies, Private Agency e.g. wholesalers, LAMPS, PACS etc., or any other agency. In case more than one agency is making door-step delivery in a one district, same may also be indicated.

**Note: The information shall be furnished within two weeks after the end of every quarter.**

**Annex - IV**

**Format for furnishing annual Utilisation Certificate (UC) on distribution of foodgrains allocated by the Government of India from Central Pool for the period ending 31st March, every year [see sub-clause (2) of clause 8]**

**Utilisation Certificate for the year**

This is to certify that during the (year), (quantity) tons of foodgrains were allocated by Government of India for distribution under TPDS/ (additional allocation) and the same were distributed to the beneficiaries as follows, namely:-

(figures in tons)

Commodity	Allotment made by the Government of India	Quantity lifted by the State Govt.	Unlifted quantity out of the allotted quantity (col. 2 – col. 3)	Quantity distributed	Balance quantity out of the lifted quantity (col. 3 – col. 5)	Reasons for unlifted/ undistributed quantity, if any
1	2	3	4	5	6	7
Rice						
Wheat						
Coarse grains						
Total						

Signature \_\_\_\_\_

Date \_\_\_\_\_

Name of the officer \_\_\_\_\_

Place \_\_\_\_\_

(to be signed by the Secretary of the

Food and Civil Supplies Department of the State Government/ UT Administration)

Note: The information shall be furnished on or before 30th June of the next financial year.

## Annex-V

**Annual Statement on monitoring of Targeted Public Distribution System and action taken (for the period ending 31st March, 20 —) [see sub-clause (10) of clause 10]**

(A)

No. of inspections conducted	No. of raids conducted	Nos. of FPS licences				No. of FIRs lodged	No. of persons arrested	Remarks
		Suspended	Restored	Cancelled	Pending for a decision			

(B)

- I. Total number of fair price shops in the State / UT: \_\_\_\_\_
- II. Total number of fair price shop owners' licenses suspended during the financial year: \_\_\_\_\_
- III. Out of II above, numbers of fair price shop owners whose license was suspended for a period more than six months: \_\_\_\_\_

(C)

Details of fair price shop owners whose license suspended for a period of more than six months			
No. of licenses suspended	No. of licenses restored	No. of licenses cancelled	Pending for a decision

**Note: The information shall be furnished on or before 30th June of the next financial year**



**Targeted Public Distribution System (Amendment) Order, Dt.28-10-2015**

**Annex-VI**

**Annual Statement on functioning of Vigilance Committees (VCs) (for the period ending 31st March of the year)**

**[see sub-clause (6) of clause 11]**

1. Total number of Districts in the State/ UT : \_\_\_\_\_
2. Total number of Tehsils in the State/ UT : \_\_\_\_\_
3. Total number of Blocks in the State/ UT : \_\_\_\_\_
4. Total number of fair price shops in the State/ UT : \_\_\_\_\_

	Total number of Vigilance Committees (VCs) set up	Periodicity of meetings of VCs prescribed by State/ T (i.e. Monthly/once in two months/ quarterly)	No. of meetings held during the financial year
State/ UT level			
District level			
Tehsil level			
Block level			
FPS level			
Total			

Note: The information shall be furnished on or before 30th June of the next financial year.

## Annex-VII

**Statement on handling of grievances (for the quarter ending June/ Sept./ Dec./ March)**  
**[see sub-clause (12) of clause 11]**

- A. Toll free helpline Number (s): \_\_\_\_\_
- B. Web address of State Portal for grievance registration and redressal: \_\_\_\_\_

**I. Statement of Grievance Registration and Redressal:**

Location/ Source	Opening Balance of No. of Grievances	No. of Grievances received during the quarter	No. of Grievances disposed during the quarter	Closing Balance of No. of Grievances at the end of the quarter
1	2	3	4	5
Call Centre				
State Portal				
District Grievance				
Redressal Officer				
(DGRO)				
Any other source				
Total				

**Note :** The information shall be furnished within two weeks after end of every quarter.



**THE MAHARASHTRA SCHEDULED COMMODITIES  
(REGULATION OF DISTRIBUTION) ORDER, 1975.**

**Food and Civil Supplies Department**

Sachivalaya Annexe, Bombay – 400 032.

**Dated 26<sup>th</sup> September 1975.**

**Order.**

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**Essential Commodities Act, 1955.**

**No. ECA-2375/2598/II.-** In exercise of the powers conferred by sub-section (1), read with clauses (c), (d), (e), (f), (h), (i), (ii) and (j) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (X of 1955), and of all other powers enabling the Government of Maharashtra in this behalf, read with the order of the Government of India, Ministry of Agriculture (Department of Food). No. GSR. 316 (E), dated the 20th June 1972 and the orders of the Government of India, Ministry of Industry and Civil Supplies (Department of Civil Supplies and Co-operation), No. S.O. 681 (E) and S. O. 682 (E), dated the 30th November, 1974 and with the prior concurrence of the Central Government, the Government of Maharashtra hereby makes the following Order, namely :-

**1. Short title, extend and commencement.**

- (1) This order may be called The Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975.
- (2) It extends of the whole of the State of Maharashtra excluding the Rationing Area.
- (3) It shall come into force on the 1st day of October 1975.

**2. Definitions.**

In this order, unless the context otherwise requires,-

- (a) **“authorized agent”** means an individual, firm, company, co-operative society or other association or body of persons, authorized under clause 3 or 4 to obtain or supply Scheduled Commodities in their individual capacity or on behalf of the irconstituent Fair Price Shops, and to deliver the same to the Shops, and includes any person who conducts the business or affairs of such authorized agent.

**Explanation-** The agency for the purposes of obtaining an authorizations under clause 3 shall be created by the authorized fair price shop by means of a letter of

## The Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975

appointment fair price shop by means of a letter of appointment, which shall be lodged with the Collector concerned. Such letter of appointment shall be in such Form as may be prescribed by the regulations made under clause 8. Any revocation of such agency shall not take effect until written intimation thereof in such Form as may likewise be prescribed is sent to and received by the Collector.

- (b) **“authorized establishment”** means a person in-charge of an establishment authorized under the provisions of clause 3, and includes a person in-charge of an establishment under the control of Government.

**Explanation** – On the commencement of this Order in any area, a person in-charge of an establishment, who was appointed in-charge of an establishment, who was appointed or authorized, or deemed to be appointed or authorized by or on behalf of Government as an authorized establishment or by any other designation, and whose appointment or authorization was in force immediately before such commencement, shall be deemed to be an authorized establishment in that area for the purposes of this Order, unless otherwise directed by Government or the Collector of the District Concerned.

[(b-1) **“Foodgrains coupons under the Food for work programme or similar other programme”** means coupons printed and supplied by the State Government for being exchanged by the workers engaged on rural public work or anybody on their behalf for certain quantity of foodgrains specified thereon with the Fair Price Shop without monetary consideration whatsoever”.]

2[(b-2) **“Camp office”** means a temporary office as, the Collector may, by a public notice issued in that behalf, set up at such place and for such period as may be mentioned in the public notice, for enabling the household supply card-holders to surrender household supply cards for the time being held by them, to the Collector.

- (c) **“Collector”** means the Collector of the District, and includes the Foodgrains Distribution Officer, the Assistant Foodgrains Distribution Officer, the District Supply Officer, the Assistant District Supply Officer and such other officers as may be authorized by the State Government or the Collector in this behalf.

5[(c-1) **“Commissioner”** means a Commissioner for a Division appointed under the Maharashtra Land Revenue Code, 1966 and includes g[Deputy Commissioner (Supply).]

4[(ca) **“Dealer”** means .a person engaged in the business of purchase, sale or storage for sale, of one or more scheduled commodities, and includes a ‘person whO desires to engage in such business and has applied to the authority concerned to be authorized as a fair price shop”.]

(d) **“Establishment”** means catering establishments, institutions, residential establishments, Manufacturing establishments, mills, industries, animal establishments and any other establishments or class of establishments which the State Government or the Collector may declare to be the establishments for the purposes of this Order.

(e) **“Establishment consumption”** means all consumption of scheduled commodities obtained on the Supply Card by the establishment concerned.

(f) **“Fair price shop”** means a person in-charge of a shop authorized, under the provisions of clause 3, and includes a person in-charge of a shop where scheduled commodities are sold and is under the control of Government.

**Explanation-** On the commencement of this order in any area, every person, who was appointed or authorized, or deemed to be appointed or authorized by or on behalf of Government as an authorized ,fair price shop or by any other designation, and whose appointment authorization was in force immediately before such commencement, shall be deemed to be a fair price shop in that area for the purposes of this Order, unless otherwise directed by Government or the Collector.

(g) **“Household consumption”** means all consumption of scheduled commodities other than establishment consumption.

(h) **“Levy sugar”** means sugar sold of supplied by the Sugar Factories to the State Government or to its Officers or agents, under the *orders* made by the Central Government under clause (f) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (X of 1955).

(f) **“Rationing area”** means any area in which the Maharashtra Foodgrains Rationing (Second) Order, 1966 is in force.

## **The Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975**

- (j) **“Scheduled commodities”** means all or any of the commodities and the products thereof specified in the Schedule.
- 7[j-1) **“Self Help Group”** means an organized group of persons recognized by any department of the State of Maharashtra or its undertakings and shall also include such organized group as may be declared by the Government from time to time.]
- 5[(j-2) **“Supply slip”** means a temporary household supply card issued, under clause 6-A of this Order in the form prescribed in the Appendix to this order, valid only for the period specified therein, for obtaining supplies of Scheduled Commodities”.]
- (k) **“Supply card”** means a household supply card, establishment supply card, permit or any other document issued or made available under the provisions of this Order, and includes the foodgrains card, supply card, permit or any other document issued before the commencement of this order in any area and on which scheduled foodgrains and other scheduled commodities were obtainable immediately before such commencement, shall be deemed to be the supply card made available for obtaining scheduled commodities in that area under the provisions of this Order.
- (1) **“Supply Document”** 6[“means a supply , card, foodgrains coupons under the food for work programme or similar other programme or an authorization”.] issued under clause 3 or 4 or any other document issued, or’ deemed to be issued or made available under the provisions of this Order for purchasing, selling or distribution of the, scheduled commodities.
- (m) **“Schedule”** means the schedule appended to this Order.
1. **inserted vide G.O. No. ECA-2378/990/(737)/XXIII, dated 31" July 1980.**
  2. **Inserted vide G.O. No. ECA-2382/722/(1248)/XXIII, dated 16th August 1982.**
  3. **Inserted vide G.O. NO. ECA-2381/893/(1092)/XXIII, dated 7(12 November 1981.**
  4. **Inserted vide G.O.No. ECQ-2176/XXIII, 29th December 1976.**
  5. **Inserted vide ECA-2382/722/(1248)/XXIII dated 16th August 1982.**
  6. **Substituted vide G.O. No. ECA-2378/990/(737)/XXIII, dated 31st July 1980.**

7. Existing clause (j-1) is renumbered as (j-2) and clause (j-1) is added by Notification No. PDS. 1006/CR-2186/CS-28, dated 06.02.2006.
  8. Substituted for the words “an Additional Commissioner” by Notification No. ECA. 1095/CR-6424/CS-23, dated 11.1.1996 It is to be noted that though by this amendment, it is ordered that sub-clause (a-1) of Cl. 2 to be amended, but there is no such sub-clause (a-1) in Cl. 2. After considering the nature of amendment and after noticing that similar amendment in the same date is also made to the Maharashtra Kerosene Dealers Licensing Order, 1966, I think that amendment should be clause 2(c-1) instead of Clause 2(a-1) and accordingly, Cl. 2(c-1) is amended Readers, to note.
3. Issue of authorization to fair price shops and agents- to obtain and supply scheduled commodities.
- (1) with a view to controlling the distribution of scheduled commodities, the State Government or the Collector may issue an authorization to any person for being a fair price shop or for being an agent of any fair price shop, to obtain and supply scheduled commodities in accordance with the provisions prescribed by or under this Order.
  - +[(2) Every fair price shop shall deposit with the Government or the Collector, a sum not exceeding Rs. 5,000 as may be specified by it in this behalf, for the due performance of the conditions of the authorization and the sum so deposited or any part thereof, may without prejudice to any other penalty, after enquiry and for reasons to be recorded in writing, be forfeited by the State Government or the Collector for contravention of any such conditions. If, as a result of any departmental action, the sum deposited or any part thereof forfeited, the fair price shop shall forthwith pay to Government such amount as may be required to make up the prescribed sum to be deposited as security.”]
  - (3) On the commencement of this Order in any area, in the case of an authorized fair price shop who is deemed to be a fair price shop under the Explanation to sub-clause (f) of clause 2, any sum which stands deposited by him as security immediately before such commencement shall be deemed to be deposited with the State Government as full or part security for the purposes of this clause.



## **The Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975**

- (4) The State Government or the Collector may, at any time whether at the request of the fair price shop or authorized agent or suo-motu, after making such enquiry as may be deemed necessary and for reasons to be recorded in writing, add to, amend, vary, suspend or cancel the authorisation issued or deemed to be issued to him under this clause.

+ **Substituted vide G. O. No. SAVIVYA 1092/2467/CR- 6526/CS-XXVIII, dated 7th June 1993.**

### **1[3- A. Order of priority to be followed in issuing authorizations to ration shops.**

- (1) While issuing authorization to ration shops under clause 3, the State Government or the Collector, as the case may be, shall 2[————] give due regard to the following order of priority, namely:-

#### **A. I.T.D.P. Areas.**

- (1) Adiwasi person permanently residing in a village or in the village included in the group of villages for which a fair price shop is to be granted. The Adiwasi educated woman shall however, be given priority over educated unemployed Adiwasi person.
- (2) Adiwasi Co-operative Societies at village level, (3) Consumer Co-operative Society of Adiwasi Woman, (4) Other Consumer Co-operative Societies.

#### **B. Other Areas.**

- (1) Consumer Co-operative Society of Women, (2) Other Consumer Co-operative Societies, (3) Vividh Karyakari Seva Sahakari Sanstha at village level. (4) Person from Scheduled Caste, Scheduled Tribe, (5) Freedom Fighter, (6) Ex-serviceman (includes the widow, son or unmarried daughter of serviceman killed in war action), (7) Physically handicapped person, (8) Project affected persons, (9) Others.
- (2) While following the priority from .Sr. Nos. 4 to 9 under sub-clause (I), the woman applicant and thereafter the educated unemployed person shall be given priority in the respective group.

**Explanation** - While considering the physically handicapped person, the priority shall be given 'to the physically handicapped woman and thereafter physically handicapped educated unemployed person shall be considered. However, physically handicapped woman shall not be considered over ex-serviceman.

(3) Government or the Collector may issue an authorization to State level or Divisional level institutes such as Mahila Arthik Vikas Mahamandal; Maharashtra State Co-operative - Marketing Federation, Maharashtra State Consumers' Federation, Vidarbha State Co-operative Marketing Society or any Government undertaking or institute having a chain of shops such as Super Bazar, Apana Bazar, irrespective of priorities laid down under sub-Clause. (1) Similarly, when a fair price shop is to be granted to the employees Co-operative Society established by the employees. or a shop is to be run by the industries for their employees the priorities shall not be taken into consideration. Similarly, highest priority shall be given to 'the Consumer Co-operative Society formed by the residents in their locality for their mutual benefit, if they possess the requisite provision for shop. Similarly, when a shop is available for allotment on account of death of shopkeeper, the same shop may be granted to his widow or son if they possess the requisite ability and administrative capacity for running a ration shop.

1. Substituted vide G. O. No. SAVIVYA. 1091/2424/CR-6178/CS-28, dated 28th January 1992.
2. The words "as far as possible" deleted vide G. O. No. SAVIVYA 1091/2424/CR-6178/CS-28, dated 18th May 1992.

**3-B. Existing authorizations to fair price shops to continue.**

+[- - - - -] All authorizations to fair price shops issued under this order and in force on the date of commencement of the Maharashtra Scheduled Commodities (Regulation of Distribution) (Amendment) Order, 1992, shall be valid unless the same are cancelled due to resignation by shopkeeper, or any action taken for breach of the conditions of licence or non-observation of the directions given by the competent authority. On the date- of commencement of. the Maharashtra Scheduled Commodities (Regulation of Distribution) (Amendment) Order, 1992, or as soon as possible, thereafter, new authorization shall be issued having regard to the order of priority prescribed under clause 3A.

## **The Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975**

- + The words “Notwithstanding anything contained in this order and the regulation made thereunder,” deleted by Notification No. SAVIVYA. 1091/CR-6178/CS-28 dated 13.06.1997.

### **+ [3-C. Cancellation of authorization by State Government or the Collector.**

Notwithstanding anything contained in this Order and regulations made thereunder, the State Government or the Collector may, at any time whether at the requite of the fair price shop or authorized, agent or *suo motu*, after making such enquiry as may be deemed necessary and fro reasons to be recorded in writing add to, amend, vary, suspend, withdraw or cancel the authorization issued or deemed to be issued to him under clause 3.

Where any such authorization is suspended, withdrawn or cancelled, the person to whom the authorization was issued or deemed to be issued shall forthwith deliver or cause to be delivered the same :to the State Government or the Collector, as the case may be.]

- + **Inserted by Notification No. SAVIVYA. 109. 1/CR- 6178/CS-28 dated 13.06.1997.**

### **+ [3-C. Power of the Collector to issue authorization to self Help Group to obtain and supply scheduled commodities.**

Notwithstanding anything contained in the said Order and regulations made thereunder, the Collector shall, as per the directions issued in this regard by the State Government from time to time, issue authorization to Self Help Group to obtain and supply scheduled commodities in the notified area under his jurisdiction and in the event of issue of authorization to Self Help Group, the corresponding existing authorization shall stand cancelled, from date of issue of the authorization to Self Help Group.]

- + **Inserted by Notification No. PDS. 1006/CR-2186/CS-28 dated 06.02.2006.**

**NB - In fact, clause 3-C was already inserted by Notification dated 13.06.1997 but it is inserted again (text different) by above Notification. Hence both amendments are taken here, Readers to note.**

### **4. Issue of authorization’ to the manufacturers, processors or suppliers of the scheduled commodities as agents of Government.**

With a view to controlling distribution of Scheduled commodities made available to consumers in open market by the manufacturers, processors and suppliers, the State Government or the Collector may issue an authorization to such manufacturers, processors or suppliers to act as agents of Government under the Public distribution 'system, on such terms and conditions as may be, specified by Government.

**5. Supply of scheduled commodities by fair price shops.**

No fair price\_ shop shall sell or agree .to, sell or supply scheduled commodities to, any person, except for household consumption or establishment consumption or for the purposes of an establishment other than establishment consumption, except at such prices as may be specified by the Central Government or by the State Government with the prior concurrence of the Central Government and except under and in accordanc6 with the provisions prescribed by or under this Order.

**6. Power to issue supply cards.**

(I) With a view to controlling. the distribution of schedule commodities, the State Government or the Collector may issue or cause to be issued supply cards +[of one or more types or to any person or class of persons or to the public generally:

Provided that, .no .such card shall be delivered to any person, Unless such person or any adult member of family to whom the document is tendered on his behalf signs' in token of receipt of such document as required by the officer delivering such document.

(2) The State Government or the Collector or any officer authorized by the State Government or by the Collector 'may, at any time whether at the request of the' person to whom any supply card has been issued or suo-motu, after making such enquiry as may be deemed necessary, add to, amend, vary, suspend or cancel such supply card.

Where any such card. is suspended or cancelled, any person in possession of it shall forthwith deliver the same to Government, the Collector or authorized officer, as the case may be.

+ **Inserted by Notification No. SAVIVYA. 1097/CR-8060/CS-28, dated 24.03.1998.**

## **The Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975**

### **1[6A. Power to issue fresh household supply card.**

- (1) Whenever deemed necessary, the State Government may issue .or cause to be issued fresh household supply cards .to any person or class of persons or to the public generally, by cancelling the household supply cards issued under clause 6.
- (2) For the purpose .of issuing fresh household supply cards, the State Government may, by general or special order issued in that behalf, require the household supply card-holders to surrender the existing household Supply cards for th6 time being held by them to the Coiled & at the tahsil office or camp office, within the period specified in the order.
- (3) The Collector ‘shall issue, or cause to be issued supply\_ slips to the persons who have surrendered their household supply .cards to Government under sub-clause (2), for enabling them to obtain the supplies of scheduled commodities, from the date of surrender of such supply cards till the issue of fresh household supply cards by Government.
- (4) In order to obtain a fresh household supply card, every person holding a supply slip shall apply to the Collector, in the form prescribed under the Maharashtra Scheduled Commodities (Regulation of Distribution) Regulation, 1975, supplied or caused to be supplied by the Collector at the tahsil office, or camp office, on payment of 2[two rupees] as an application fee for each form.
- (5) The Collector shall, on verification of the household supply cards surrendered under sub-clause (2), collect or cause to be collected the application for new household supply cards from the applicants after making the necessary, enquiry.
- (6) On making the necessary enquiry fresh household supply card shall be issued to the applicant, in the form and in the manner prescribed under the Maharashtra Scheduled Commodities (Regulation of Distribution) Regulation, 1975, valid for all the purposes of this order.]

**1. Inserted vide G. O. iyo.ECA 2382t722/(1248)/D-XXIII, dated 16th August 1982.**

**2. Substituted for “one rupee “by Notification No SAVIVYA. 1001/CR-673/CS-28, dated 01.01.2002.**

**7. Drawal as scheduled commodities only by means of supply document.**

Except as otherwise provided, by or under this Order, the scheduled commodities shall be purchased from the fair price shops only by means of supply document available for lawful use and only upto the quantity Specified or as represented by unit specified on that document.

**8. Power to make regulations.**

(1) The State Government may make regulations providing for –

- (a) the conditions subject to which scheduled commodities may be supplied or obtained for household consumption, for establishment consumption, or in connection therewith, and
- (b) in particular –
  - (i) the forms in which application for obtaining different supply documents may be made, the kinds of supply documents which may be issued for different purposes.
  - (ii) the manner in which a supply card may be used for supplying or obtaining scheduled commodities, including the manner in which and the conditions subject to which such card may be registered with any fair price shop or authorized establishment.
  - (iii) the period for which the supply card or part thereof shall be valid.
  - (iv) the number of units allotted to any person, class of persons or the public generally.
  - (v) the quantity of scheduled commodities which a unit shall represent and the period during which such quantity shall be available.
  - (vi) the form of authorization to be issued under clauses 3 and 4 and the conditions subject to which the fair price shop, authorized establishment or authorized agent may obtain and supply scheduled commodities; and
  - (vii) any other matter connected with the distribution of scheduled commodities.

## **The Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975**

- (2) Any regulations made under this clause shall have effect as if they were incorporated in this Order.

### **9. Availability of supply card.**

A supply card shall be available for lawful use only –

- (a) in respect of household consumption, for the person or persons included therein who is or are living and is or are in the local area for which it is issued;
- (b) in respect of establishment (i) while the person incharge of the establishment is living and is in any such area, and (ii) while the business of the establishment is carried on at the address specified on the supply card.

**Expl. 1** - The person in-charge of an establishment shall be deemed to be in the local area, if he is not absent therefrom for a period exceeding four weeks at a time.

**Expl. 2** - The business of the establishment shall be deemed to be carried on, if the establishment is not closed for a period exceeding fifteen days at a time.

**Expl. 3** - The person in-charge of an establishment shall notify closure of the establishment, if it is closed for a period exceeding fifteen days and shall forthwith surrender the supply card to the issuing authority for cancellation.

### **10. Use of spurious card/or unit(s).**

No person shall draw scheduled commodities on a spurious card or against any units which are not valid for the time being.

### **11. Supply document to remain property of Government.**

Every supply document issued under this Order shall be the property of the State Government, but the person to whom it is issued or surrendered or with whom it is retained under the provisions of this Order or the regulations made thereunder, shall subject to the other provisions of this Order, be entitled to its custody and be responsible for its custody and lawful use.

### **12. Fees for supply cards and other documents supplied by Government and replacement thereof.**

1[[Fees shall be .charged for supply of documents at the following rates per document :-

2[[4(i) (a)	(a) Household supply card – (aa) Yellow supply card (bb) Saffron supply card (cc) While supply card	10.00 20.00 50.00]
(b)	Household supply card (Temporary)	2.00]
3[5(ii)	Establishment supply card	50.00]
4[(iii)	Duplicate in place of lost, stolen, torn or defaced household supply card (whether permanent or temporary), (a) Duplicate Yellow supply card (b) Duplicate Saffron supply card (c) Duplicate While supply card	20.00 40.00 100.00]
5[(iv)	Duplicate in place of lost, stolen, torn or defaced establishment supply card,	100.00]]
(v)	Authorisation to fair price shops	5.00
(vi)	Authorisation to authorized agents	12.00
(vii)	Renewal of authorization of fair price shops or authorized agents	2.00
(viii)	Duplicate authorization of fair price shops or authorized agents.	10.00
3[[4(ix)	Applications in various prescribed forms :	2.00]]]

Provided that, no such fee shall be charged for the issue of any duplicate supply card, if the Collector or the Officer authorized by him is satisfied that the original card was defaced, lost or destroyed on account of fire, flood or other natural calamity or is required to be; in a court or for purposes of evidence before any person holding an enquiry or is required to be retained for official correspondence or the duplicate supply card is required to be issued on account of some mistake on the part of the issuing office.



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Every person to whom a duplicate supply document has been issued shall, if the subsequently finds the lost document, forthwith return the latter document to the Collector or the Officer authorized by him and that he shall not hold two or more supply cards simultaneously.

- 1. Substituted vide G. O. No. ECA-2375/2598/XXIII, dated the 7' January 1976.**
- 2. Entry (i) Substituted by Notification No. SAVIVYA. 1097//CR-8060/CS-28, dated 24.03.1998.**
- 3. Entries (ii), (iii), (iv) and (is) substituted, *ibid*.**
- 4. Entries (i)(a), (iii) and (ix) substituted by Notification No, SAVIVYA. 1001/CR- 6731CS-28, dated 01.01.2002.**
- 5. Substituted by Notification No. SAVIVYA. 1001/CR- 6 7 3 / C S - 2 8 , d a t e d 27.12. 2002.**

### **13. Prohibition against transfer or supply document.**

No person shall transfer to any other person a supply document issued to himself, and no person shall use or dispose of or obtain such document, except under and in accordance with the provisions prescribed by or under this Order.

### **14. Issue of supply card if person in-charge of establishment is changed.**

In the event of change of person in-charge of an establishment, the Collector or any Officer authorized under sub-clause (2) of clause 6 may whether at the request of the new person for the time being in-charge of such establishment or *suo-motu*, after making such enquiry as he may think fit, cancel any supply card issued in the name of the person previously in-charge of such establishment and issue a new supply, card in place thereof on payment of a fee of Rs. 2 in the name of the new person aforesaid.

### **15. Return of supply document by person in unauthorized possession thereof.**

Where any person is in possession of supply document and such possession is not authorized by virtue of this Order, he shall within three days (excluding holidays) deliver the same to the person in respect of whom it is issued or the Officer in-charge of the supply sections in the Collectors or the Tahsil office if such person is residing at the districts headquarters or the tahsil headquarters, as the case may be, and to the concerned talathi if he is residing elsewhere.

**16. Cancellation of supply card.**

In any case where any supply card or any entry or Coupon thereon is required to be cancelled under or for the purposes of this Order, it shall not be deemed to be cancelled, unless it shall have been effectively cancelled in ink (whether by means of a die or stamp or otherwise) or by means of indelible pencil, and shall upon such cancellation cease to be available for lawful use.

**+16-A. Cancellation of household supply cards not surrendered under clause 6A.**

Notwithstanding anything contained in clause 16, all the household supply cards not surrendered in accordance with clause 6A shall not be valid for the purposes of this order, and shall be deemed to be cancelled, after the date specified in the order issued under sub-clause (2) of the said clause 6A.3

+ **Inserted by Notification No. ECA-2382/722(1248)IXXII/ dated 16.8.1982.**

**17. Prohibition against applying for duplicate supply card etc.**

No person shall —

- (a) dishonestly apply for or receive a supply card, if he knows or has reason to believe that his name is already included in any other supply card issued to any household;
- (b) obtain a supply card by furnishing false information;
- (c) without lawful authority, alter or destroy a supply card issued to him.

**18. Notice :of absence of person in the household for more than four weeks.**

Every holder of a supply card shall notify in writing to the Collector or any Officer authorized by him in this behalf, the absence from the local area of any person or persons in his household included in such card for more than four weeks. The notice shall be given within seven days from the date of expiry of the period of four weeks aforesaid.

**19. Surrender of supply document and obligation to furnish certain particulars.**

Every fair price shop shall, when so required by an Officer, authorized by the State Government or by Collector in this behalf -

- (a) deliver to him all supply cards and other supply documents tendered to him under or for the purpose of this Order; and

## **The Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975**

- (b) furnish such particulars relating to his dealings in any stocks of scheduled commodities as may be required.

### **20. Restriction on hoarding of scheduled commodities.**

No person (including- fair price shop and .authorized establishment) shall draw or cause to be drawn any scheduled commodities on a supply card or document, if the total quantity of such scheduled commodities in his possession exceeds the quantity of such scheduled commodities for the time being obtainable during a period of four weeks on such card or document.

### **21. Distribution or acquisition of scheduled commodities otherwise than documents.**

Notwithstanding any provisions of this Order, the' distribution or acquisition of scheduled commodities otherwise than on a supply document, whether or not for household consumption or establishment consumption or for the purposes of an establishment other than establishment consumption and subject to such conditions 'as' may be specified, may be, authorized by —

- (i) Government in respects of scheduled commodities;
- (ii) the Collector in respect of any scheduled commodities declared by the local health authorities or by him to be unfit for human consumption,' or to meet any unforeseen or ad-hoc demand for supply or any scheduled commodities;
- (iii) the Director of Civil Supplies in respect of any scheduled commodities declared by the local health 'authorities or by him to' be unfit for human consumption.

### **22. Power to enter premises-inspect, search or Seize-stocks of scheduled commodities, ask questions require productions of documents, etc.**

- (1) Any Officer authorized by the State Government or by the Collector or any Police Officer not below the rank of Head Constable, may at all reasonable times inspect any stocks of scheduled commodities supply documents or books, accounts of other documents pertaining to dealing in scheduled commodities, and may for the purpose of such inspection -

- (a) enter any premises –

Provided that, in exercising the power of entry, due regard shall be paid by such officer to the social and religious customs of the occupants of the premises.

- (b) ask of any person all necessary questions;
  - (c) require the production of any document and take or cause to be taken extracts form: or copies of such documents; and
  - (d) take or cause to be taken the weight or measure of the scheduled commodities found in the premises.
- (2) Every person, when so required by such Officer under sub-clause (1), shall allow Access to the premises, answer all questions to the best of his knowledge and belief, produce the documents in his. possession and allow extracts form or copies of any such documents or weight or measure or any scheduled commodities found in the premises, to be taken.
- (3) Such Officer may in the course of such inspection search for and seize any article in respect of which he has reason to believe that any provision made by or in pursuance of this Order has been or it being contravened.

**23. Power to exempt.**

The State Government may, if it is necessary in the public interest so to do, by order, exempt any person or class of persons from the operation of all or any of the provisions of this Circler, for such period and subject to such conditions as may be specified, and may at any time suspend or cancel such exemption.

**+24: Power to call for and examine records of proceedings and revise orders.**

- (1) If any person is aggrieved by an order passed by the Collector, the Commissioner, and if any person is aggrieved by an order passed by the Commissioner, the State Government, may, on an application made to him or it by the aggrieved person, within thirty days from the date of receipt' of such' order, stay the enforcement of such order. The Commissioner or the State Government, as the case may be, may also call for and examine the record of any 'enquiry or proceedings of the concerned Officer exercising or failing to exercise the powers under this Order to add, to amend, vary, suspend or cancel any authorization issued or deemed to be issued under clause 3 or any supply card issued or deemed to be issued under clause 6 or to forfeit the deposit for any part deemed thereof paid or deemed to be paid' by 'a fair price shop Or authorized agent as security or to take...any. other

## The Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975

action 'under the provisions prescribed by or under this Order, for the purpose of satisfying himself or itself as to the legality or propriety of the order passed by such officer, and as to the regularity of the proceedings of such officer and may pass such order 'thereon as he or it, as the case may be, thinks fit :

Provided that State. Government may at any time, during the pendency of any enquiry or proceedings or within one year from the date of any order passed. by any officer under- the provisions prescribed by or under this Order, *suomotu* stay any pending enquiry or proceedings or the enforcement of such order if considered necessary and may call for and examine the record of any such enquiry or proceedings, and pass such order thereon as it thinks fit :

Provided :further that, the Commissioner or the State Government, as the case may be, shall not pass any order under this clause which adversely affects any person unless such person has been given a reasonable opportunity of being heard.

- (2) Government may on an application made or *suo motu* at any time before the expiry of one year from the date of any order passed by kin revision under this clause may reviewsuch order if it is satisfied about the reasons to do so on any of the following grounds, namely :-

- (1) Discovery of new and important matter of evidence which after the exercise of due diligence, was not within the knowledge of the applicant or could not 'be produced by him at the time when the order was passed or order was made; Or
- (2) Some mistake or error apparent on the face of the record; Or
- (3) for any other sufficient reason.

And upon such review if it shall appear to the State Government that such order should be modified, annulled or conformed, it may pass such order it deem fit.

- (3) Order passed in review shall on no account be re-reviewed.]

+ **Clause 24 is renumbered as sub-clause (1) of that clause and sub clauses (2) and (3) are added by Notification No. ECA. 1007/CR-229/CS-23, dated 04.071007.**

**25. Repeal and saving.**

The Maharashtra Scheduled Foodgrains (Regulation of Distribution) Order, 1966, the Regulation framed thereunder and the Maharashtra Scheduled Foodgrains (Regulation of Distribution by Card System) Order, 1968, shall with effect from the date of commencement of this Order, stand repealed, except as respects things done or omitted to be done thereunder before such date.

**Schedule**

*[See sub-clause (7) of clause (2)]*

I Foodgrains :- •

- (1) Rice (including \*paddy which is rice in husk),
- (2) Wheat

II. Course Cereals :-

- (1) Jowar
- (2) Bajri Whole or broken or floor product's thereof
- (3) Milo

III. Pulses

IV. Levy Sugar

V. Edible Oils.

\*Note.- For calculating the quantity of paddy for the purpose of this Order, one and one half quintals of paddy shall be considered as equivalent to one quintal of rice.

**\*Appendix**

*(See clause 2 (b) — (j-I)*

Government of Maharashtra

Temporary Household Supply Card No .....

The name of the Head of the Household .....

and Full Address .....

Authorised Fair Price Shop No .....

**The Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975**

No. of Adults	No. of children below 6 years	Total Units
(1)	(2)	(3)

Signature and Designation of the  
Officer

\* **Added vide 0.0. No. ECA-2382/722/(1248)/XX111, doted 16. August 1982.**

Month	August		September		October		November		December		January	
Fortnight	1	2	1	2	1	2	1	2	1	2	1	2
Rice												
Wheat												
Jowar												
Sugar												
Edible Oil												

Month	February		March		April		May		June		July	
Fortnight	1	2	1	2	1	2	1	2	1	2	1	2
Rice												
Wheat												
Jowar												
Sugar												
Edible Oil												

By order and in the name of the Governor of Maharashtra,

B. K. Halve,  
Secretary to Government

**THE MAHARASHTRA SCHEDULED COMMODITIES  
(REGULATION OF DISTRIBUTION) REGULATION, 1975**

**Food And Civil Supplies Department**

Sachivalaya Annexe, Bombay-400032,

**Dated 26th September 1975.**

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**No. ECA-2475/2598 (a)-II-** In Pursuance of clause 8 of the Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975 and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following regulations, namely.-

**1. Short title and extent.**

- (1) These Regulations may be called the Maharashtra Scheduled Commodities (Regulation of Distribution) Regulation, 1975.
- (2) They extend to the areas, in which the Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975, is in force.

**2. Definitions.**

In these regulations unless the context otherwise requires:-

(a) **“Form”** means a form appended to these regulations;

+[(a-:1) **“Fortnight”** means each of the periods from 1st day to 15th day or from 16th day to the last day of a calendar month (all days inclusive);]

(b) **“Local area”** means any ‘municipal Corporation area a municipal area under a municipal council, ‘a cantonment area, a village panchayat area, or any other part of Zilla Parishad area, where the concerned supply card holder or any member of his family normally resides;

(c) **“Week”** in the first instance means each of the periods form 1 st day to 7th day, from 8th day to 15th day, from 16th day to 23rd day and from 24th day to last day of a month (all day inclusive); but from such date (being a Sunday) as may be notified by the Collector for any area means the period commencing from that Sunday and ending at Midnight of Saturday next following, and each successive period of ‘seven days thereafter;

(d) **“Scheduled Commodities Order” or “Order”** means the Maharashtra Scheduled Commodities. (Regulation of Distribution) Order, 1975;



## **The Maharashtra Scheduled Commodities (Regulation of Distribution) Regulation, 1975**

- (e) Words and expressions used in the Scheduled Commodities Order and also in these regulations, but not defined in these regulations, shall have the meanings assigned- to them in the Scheduled Commodities Order.

**+ Inserted by Notification No. SAVIVYA-1086/232/(CR-4698)/XXVIII. Dated 10th September 1986.**

### **3. Procedure for obtaining Supply Card.**

- (1) Any head of household residing or intending to reside in a local area, to whom a supply card is not issued or whose name is not included in any such card or who desires to have a supply card issued for himself and members of his household (if any) who are also without any such supply card, may apply to the Collector within the limits of whose jurisdiction he resides or intends to reside and furnish true and correct information in Form I. Where any such person resides or intends to reside temporarily in a local area for a period less than six months, he 1, after specifying the exact number of days during which he will reside in\* to the local area Application for renewal of a supply card shall be made in Forms 1-A and 1-B.
- (2) For obtaining supplies of Scheduled Commodities for the purpose of an establishment, a person incharge of the establishment, may apply for a supply card to the Collector within the limits of whose jurisdiction the establishment is situated and furnish true and correct information in Form II.

### **4. Issue of Supply Cards.**

On receipt of application, a Supply Card may be issued in Form III, Form IV or Form V, as the case may be, +[and cards of different types or colours may be issued for different class of people] ‘after necessary verification.

**+ Inserted by Notification No. SAVIVYA/1097/CR-8060/CS-28 dated 24.03.1998.**

### **5. With whom Supply Card may be registered.**

- (1) A holder of a Supply Card shall register his card at such fair price shop as may be directed by the Collector.
- (2) The Collector may, from time to time, redistribute the units amongst the fair price shops in “a given locality with due regard ‘to the viability of such shops and convenience of the Supply Card holders.

- (3) If, as a result of the action taken by the Collector under sub-regulations (1) and (2) above, some of the existing, fair price shops in a given locality are rendered surplus, it shall be open to the Collector, after giving a reasonable notice, to cancel the authorizations of such surplus fair price shops without assigning any reasons, according to the priority list to be specified by Government for the cancellation of such shops.
- (4) The Collector may direct the fair price shop to change the location of the shop as per his direction. If the concerned shopkeeper fails to change the location of his shop as directed it shall be open to the to cancel his authorization.

**6. Condition for obtaining supplies.**

- (1) No person shall obtain Scheduled Commodities on his supply card, unless he.-
  - (a) signs or puts his thumb impression in the space provided for that purpose on the supply card;
  - (b) gets, himself registered for obtaining his supply of scheduled commodities with a fair price shop;
  - (c) resides in the local area for Which the card is issued and is not absent from that local area for a period of the consecutive weeks or more, and he may obtain scheduled commodities only for such other person's includes in the card who are not absent from that local area for a period of two consecutive, weeks or more;
  - (d) complies with any other directions which the Collector may issue from time to time in this behalf.
- (2) The foodgrains distribution or supply cards at present operative in the local area shall be deemed to be supply cards under these regulations till they are replaced by the new supply cards.
- (3) Notwithstanding anything contained in this clause, the State Government may, from time to time, direct that persons belonging to certain categories such as those paying particular amount of land revenue per year or having monthly income exceeding certain limit shall not be entitled to obtain any Scheduled Commodity or Commodities, on their supply cards during such period or periods as may be specified by it. When any such direction is issued, the Collector shall enter or

## **The Maharashtra Scheduled Commodities (Regulation of Distribution) Regulation, 1975**

cause to be entered on the blank embossed sheet attached to their supply cards, the Scheduled Commodity or Commodities and the period for which the said Commodities shall not be obtainable on such cards.

### **7. Period of validity of supply card.**

A supply card shall be valid for the period specified thereon, unless otherwise directed by the Collector. On an application made by the holder before the expiry of such period in such form as the Collector may require, the Collector may, from time to time, validate the supply card for a further specified period.

### **8. Number of Units allotted.**

Every supply card issued to a household shall show the number of units allotted to it, at the rate of two units for each member of the household of the age of six years and, above and one unit for each member thereof of the age below six years.

### **9. Quantity of Scheduled commodities represented by unit.**

A unit shall represent such quantity of such scheduled Commodities for such period as the Collector may notify, from time to time.

### **10. Form of authority.**

The form of authority for purchase of Scheduled commodities from Government godowns or from any other agency appointed by Government shall be in Form VI.

### **11. Form of Authorization.**

- (1) The authorization to be issued under clause 3 of the Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975, (hereinafter referred to as "the said Order"), to a fair price shop and the conditions subject to which such shop may obtain and supply scheduled commodities shall be in Form VII.
- (2) The authorization to be issued under clause 3 of the said Order to an authorized agent and the conditions subject to which such agent may obtain, store and deliver Scheduled Commodities shall be as in Form VII-A.

### **12. Forms of letter appointment of agent and of revocation of such appointment.**

- (1) The letter of appointment of an agent by any fair price shop under the Explanation to sub-clause (a) of clause 2 of the said Order shall be as in Form VII-B.
- (2) The revocation of the appointment of such agent shall be made in Form VII-C.

**13. Procedure for increasing units on the supply card.**

Any person to whom supply card is issued and who desires to increase the number of units on his card on account of increase in the number of members of his household or by reason of a child becoming entitled to two units, may apply to the Collector, within the limits of whose jurisdiction he resides and furnish true and correct information in Form VIII.

**14. Procedure for reducing units on the supply card.**

Any person to whom a supply card is issued shall, for reducing the number of units on his supply card on account of departure of any member of his household from the local area or by reason of death of any member thereof, apply in that behalf to the Collector within the limits of whose jurisdiction he resides and furnish true and correct information in Form DC, within a period of two months.

**15. Prohibition to obtain household Supply Card by Armed Services Personnel.**

No person shall obtain a household Supply Card for himself or any member of his household, if he is receiving Scheduled Commodities for himself or such member, as the case may be, from any Naval, Military or Air Force authority or nay other Government agency.

**Note -** Such service personnel on leave and residing in any local area for which such cards are issued, who are not drawing Scheduled Commodities from such authority during the leave period, shall be entitled to obtain temporary Supply Card on application to the Officer concerned.

**16. Application for Change of address and obtaining a duplicate Supply Card.**

- (1) In case of change of address, the holder of a card shall apply in Form X to the Collector within the limits of Supply/jurisdiction he resides.
- (2) If a Supply Card be lost, stolen, torn or defaced, for obtaining a fresh Card, the holder shall apply in Form XI to the Collector within the limits of whose jurisdiction he resides.

**17. Verification of applications.**

On receipt of any application under these regulations, the Collector may make or cause to be made such inquiry as he deems fit. forverification of the information as furnished by the applicant.

## **The Maharashtra Scheduled Commodities (Regulation of Distribution) Regulation, 1975**

### **18. Further Conditions to be observed by Fair Price Shop.**

<sup>1</sup>[(1) Every Fair Price Shop shall, unless exempted by the State Government or the Collector, deposit with the Government a sum as indicated below in cash or in National Savings Certificates as security deposit for the due performance of the authorization issued to him. -

- (A) Fair Price Shop in any Municipal Corporation area Rs. 3,000.
- (B) Fair Price Shop in Urban area other than the Municipal Corporation area Rs. 2,000.
- (C) Fair Price Shop in Rural area Rs. 1,000.

Provided that for the Fair Price Shop run by the Scheduled Caste, Scheduled Tribe or Nomadic Tribe, Tribe person or by the Co-operative Society, the amount of deposit shall be 50 percent of the above amounts.]

‘[(1-A)] Every Fair Price Shop shall purchase such stocks of Scheduled Commodities as may be released in its favour for distribution and sale at such rates, as may be fixed by the Central Government or by the State Government with prior concurrence of the Central Government, on receipt of an indent from such shop and against payment of the cost thereof in the manner prescribed by the Collector.

**Note.** - Every Fair Price Shop shall indent for only such quantities of schedule commodities as may be required for distribution to consumers for a period of two weeks at a time on the basis of maximum obtainable in relation to the quantum fixed by Government or the Collector and the number of cards registered and unit thereon, less backlog quantity available in stock purchased during the preceding period of two weeks. On receipt of indent from a fair price shop, the Collector or any other officer authorized by him shall, after verification of indent, issue or cause to be issued supply authority in Form VI for purchase of stocks of Scheduled Commodities specified therein from Government godowns or from any other agency appointed by Government.]

- (2) Every Fair Price Shop shall. --
  - (a) be held responsible for all the acts of commission and Omission of the partners, agents, servants and other persons who are allowed to work in the shop;
  - (b) Not sell Scheduled Commodities specified in the Schedule appended to the said order obtained from sources other than Government godown or any agency

appointed by Government or the Collector, and except under and in accordance with the conditions (if any) of a special permission granted by the State Government, the Collector or any officer authorized by the State Government or Collector, from time to time;

- (c) always maintain adequate stocks of scheduled Commodities;
  - (d) take adequate measures to ensure that the scheduled commodities stored by him are maintained in good condition and that damage to them due to ground moisture, rain, insects, rodents, birds, fire, and such other causes is avoided. Suitable dunnage shall be used where necessary to avoid damage from ground moisture, Fertilizers, insecticides and poisonous chemicals likely to contaminate shall not be stored along with the Scheduled Commodities in the same godown or shop or in immediate Juxtaposition of such Commodities. It shall further be ensured that at the time of sale, the said commodities are in good condition;
- <sup>2</sup>[(d-1) make good the loss of the Schedule commodities due to any theft, misappropriation, hypothecation or any other similar contingency by remitting the amount of equivalent quantity of lost scheduled commodity or commodities at retail rates, as the case may be, from the security deposit credited by him, as the Government or the Collector of the District may direct, and shall pay the remaining amount as “arrears of land revenue” in case the value of the commodity or commodities lost due to theft, misappropriation etc, is less than the amount of security deposit. Then the Government or the Collector of the District will supply to the concerned Fair Price Shops, equivalent quantity from Government godowns of any other source, as the case may be, for sale, over and above the quantum of the current months only to those who could not get their quota because of left, misappropriation etc. done by the Fair Price Shop.]
- (e) display a board in Marathi showing its authorized number, name and address of the shop, retail prices of scheduled commodities, time of working, and the address of the Government Officer within the jurisdiction of which the shop is conducted. Another board in Marathi of the size 45x60 centimeters, with red letters indicating “F.P.S. No.” on white background shall also be displayed;
  - (f) display the authorization issued under clause 3 of the said Order;
  - (g) maintain on the premises of the shop, true and proper accounts with regard to the receipt, distribution and sale of schedule commodities, together with all the

## The Maharashtra Scheduled Commodities (Regulation of Distribution) Regulation, 1975

supporting vouchers and other papers particularly the following books and registers, duly certified in the form prescribed by the State Government or the Collector:-

- (i) Visit Book;
- (ii) Instructions Book (for instructions of general type by Inspector and other Inspecting Officer);
- (iii) Register of Cards;
- (iv) File of Godown Bills;
- (v) File of Copies of Indents;
- (vi) Stock Book;
- (vii) Cash Memo Book;
- (viii) Sales Book;
- (ix) Complaint Book;

<sup>3</sup>[(x) Register of Foodgrains coupons under the food for work programme or similar other programmes.]

- (h) Sell scheduled commodities to the persons holding household or establishment supply cards issued by the Government on production of such cards according to the quantum and at the prices fixed by the Government.

<sup>3</sup>{(h-1) Sell foodgrains to the persons holding “foodgrainscoupons under the food for work programme or similar other programmes” on production of said coupons according to the quantity mentioned thereon without charging any price therefor, which he shall get reimbursed from the Collector or any other officer authorized by him for the purpose.]

<sup>4</sup>[(i) record, at the time of issue of Scheduled Commodities actual quantity of each commodity issued to the cardholders in the appropriate column of the Supply Card representing a fortnight and issue a cash memo in Marathi in Form XII of the size of 10x6 centimeters whether demanded or not, mentioning distinctly the particulars of the retail rates, the quantity of Scheduled Commodities supplied and the price charged therefor.

**Note.** - In-case where commodity issued to the cardholder is not mentioned in the Supply Card, blank-space provided in the card should be utilized for mentioning the name of such commodity.]

- (j) sign in full on the reverse of the first and last cash memo every day in the morning and evening, as also on the first and the last cash memo of every cash memo book used during the day;
  - (k) submit periodically abstract of Register of Cards and fortnightly return of sales, together with the indent in such form as the Collector may require;
  - (l) obey and carry out all such instructions as may be given by the Collector or any other Officer authorized by the Government, from time to time.
- (3) Every Fair Price Shop shall be liable for departmental action, or prosecution, or both as the case may be, for the contravention of the provisions of the said Order, and the regulations made there under or of any instructions, directions or Orders issued under any such provisions.
- (4) No fair price shop, shall, without reasonable cause, stop the working of the shop abruptly or allow the shop to remain closed during working hours on any working day without the prior approval of the Collector.
- (5) Every fair price shop intending to stop the business of supplying scheduled commodities shall give 30 days previous notice to the Collector to enable him to make alternate arrangements for supplying scheduled commodities to the household and establishment supply Card-holders allotted to the shop.
1. **Sub-clause (1) renumbered as sub-clause (1-A) and sub-clause (1) inserted by Notification No. SAVIVYA-109212467/CR-6526/XXVIII, dated 7th June 1993.**
  2. **Inserted vide Government Order No. PDS-1085/3469/(CR-4599)/CS-XXVIII.Dated the 25th March 1986.**
  3. **Inserted vide Govt. Order No. ECA-2478/990 (737)-XXIII, dated 31'4 July 1980.**
  4. **Substituted vide Government Order No. SAVIVYA-1086/232/CR-4698)/XXVIII, dated 10th September 1986.**

**19. Further condition to be observed by authorized agent.**



## **The Maharashtra Scheduled Commodities (Regulation of Distribution) Regulation, 1975**

- (1) **Every authorized agent shall purchase** such stocks of scheduled commodities as may be released in his favour for delivery to his constituent fair price shops at such rates, as may be fixed by the Central Government, or by the State Government, with the prior concurrence of the Central Government, on receipt of a consolidated indent from such agent and against payment of the cost thereof in the manner prescribed by the Collector.

**Note.** - Every authorized agent shall submit a consolidated indent; within two days (excluding holidays) from receipt of indents from his constituent Fair Price Shops for such quantities of scheduled commodities as may be required by his constituent Fair Price Shops for distribution to the consumers, On receipt of the consolidated indent from any authorized agent, the Collector or may other Officer authorized by him shall after verification of the consolidated indent, issue or cause to be issued supply authority in Form VI for purchase of stocks of scheduled commodities specified therein from Government godown or from any other agency appointed by Government.

- (2) **Every authorized agent shall -**

- (a) on taking delivery of scheduled commodities as aforesaid, distribute them to his constituent Fair Price Shops forwhom they are earmarked within twenty-four hours of actually taking delivery from the godowns at the prices fixed by the Central Government or by the State Government with the prior concurrence of the Central Government.

\*[(aa) make good the loss of the scheduled commodities due to any theft, misappropriation, hypothecation or any other similar contingency by remitting the amount of equivalent quantity of lost scheduled commodity or commodities at retail rates, as the case may be, from the security deposit credited by him, at Government or the Collector of the district may direct and shall pay the remaining amount as “arrears of land revenue” in case the value of the commodity or commodities lost due to theft, misappropriation etc, is less than the amount of security deposit. Then the Government or the Collector of the District shall supply to the concerned Fair Price Shop, equivalent quantity from the Government godowns or any other source, as the case may be, for further sale to the cardholders at the existing retail rates and the quantum fixed by the Government or the Collector of the District over and above the quantum fixed for the current month.]

- (b) display at his office the authorization issued under clause 3 of the said Order;
  - (c) maintain in his office true and proper accounts with regard to the receipt and distribution of Scheduled Commodities to his constituent Fair Price Shops together with all the supporting vouchers and other papers, particularly the following books and registers duly certified in the form that may be prescribed by the State Government or the Collector, from time to time.
    - (i) Visit Book ;
    - (ii) Instruction Book (for instructions of general type by officers not lower in rank than that of Inspector);
    - (iii) File of Challans in respect of deliveries of Scheduled commodities to constituent Fair Price Shops;
    - (iv) File of copies of Indents;
    - (v) Stock Book (Including account of delivery, order wise distribution of stocks).
  - (d) submit periodically such return and reports in connection with purchase and distribution of scheduled commodities to his constituents in such form as the Collector may require;
  - (e) be held responsible for all the acts of commission and omission of his office bearers, partners, agents, representative, servants and other persons who are allowed by him to work in connection with the purchase and distribution of scheduled commodities and to maintain accounts relating to all such transactions.
- (3) Except under and in accordance with the conditions (if any) of a special permission granted by the Collector, no authorized agent shall sell scheduled commodities obtained from source other than Government Godown or any agency appointed by Government.
- (4) Every authorized agent shall be liable for departmental action or prosecution, or both, as the case may be, for the contravention of the provisions of the said Orders

**The Maharashtra Scheduled Commodities (Regulation of Distribution) Regulation, 1975**

and these regulations or of any instructions, directions or Orders issued under any such provisions.

- (5) Every authorized agent intending to stop the work of distribution of Schedule commodities shall not resort to sudden closure of his business or activities, but shall give 90 days previous notice to the Collector to enable him to make alternate arrangements for supplying scheduled commodities to the Fair Price Shops.

\* **Inserted vide Government Order No. PDS-1085/3469/(CR-4599)/CS-XXVIII. Dated the 25th March 1986.**

**\*[Form I]**

Sr. No. .... Price — Rupee One  
Village/Ward ....., Taluka ....., District .....,  
Rationing Area ..... Area .....,  
Region.....

**Application for Household Supply/Ration Card**

(To be filled in by the Head of Household)

Code No. ....

Sr. No. ....

Registration No. ....

**Warning.** (1) Furnishing false information with an intention to get supply/Ration card is a cognizable offence and the person indulging in such offence will be prosecuted.

(2) The supply/Ration card is liable to be cancelled if any information given in the application is found to be incorrect and no benefits of civil supplies will be extended.

(3) No application will be entertained unless all the details in the application form are given.

(I) Full name of the applicant  
(beginning with surname)

Age .....

Citizenship .....

Full residential Address .....

.....

.....

II	Name of the applicant and person(s) other than the applicant who normally who normally reside(s) with the applicant as member(s) of the household (excluding) domestic	Relationship with the Applicant	Age	Citizenship	Profession and annual income
	(1)	(2)	(3)	(4)	(5)
(1)					
(2)					
(3)					
(4)					
(5)					
(6)					
(7)					
(8)					

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III. Other information (This information should be in respect of all the persons in the family including the head of the family.

(1)	Period of intended stay in the local area.		
(2)	Whether any member of the family is professional as Doctor, Advocate, Architect, Chartered Accountant etc. If yes, the details thereof.		
(3)	Total annual income of all the persons in the family from all the sources.	Rs. ....	
(4)	Total professional tax paid by all the persons in the family.	Rs. ....	
(5)	Whether any person in the family pays income tax or liable to pay income tax (Yes / No).		
(6)	Whether any person in the family pays sales tax or liable to pay sales tax. (If Yes, S.T. No.....)		
(7)	Whether there is a residential telephone in the family.		
(8)	Whether any person from the family owns mechanically propelled two wheeler vehicle (e.g. moped, scooter, and motor cycle etc.) or four wheeler vehicle (e.g. tractor, jeep etc.). If so, the details thereof.		
(9)	Total holding of agricultural land in respect of all the persons in the family, including the applicant.	Dry land Seasonally irrigated. Perennially irrigated. Total	..... Acres ..... Acres ..... Acres ..... Acres

(10)	Whether L.P.G. connection is there, if so.	Yes/No One cylinder/Two cylinders	
	Gas Consumer No.Name of the Gas distributor with full address.		
(11)	Whether you are willings to forgo the supply of foodgrains on supply/ration card.	Yes/No.	

IV. Necessary documents from the following be furnished as a proof of residence for obtaining the new supply/ration card. (Ai be mark against the documents furnished)

- (1) House Rent Receipt.
- (2) House Tax Receipt.
- (3) Recent Electricity Bill.
- (4) Extract of Current Electoral Roll.
- (5) Any other Certificate/Proof regarding Residence.

V. I hereby declare that I shall immediately bring to notice of the competent authority about any change in the information at II, III and IV above.

VI. I also declare that I am/was possessing a supply/ration card

bearing serial No. ....

CodeNo. .... for .....Units.

All the above statements are true, complete and correct to the best of my knowledge and belief.

VII. I shall allow the concerned authority to enquire about the information in this application and about the supply/ration card that will be issued • to me. I am aware that such a supply/ration card is Government property and I shall surrender it when demanded by the Collector/Controller of Rationing or any other officer empowered by him.

Date :

(Signature/L.H.T.I. of the Applicant)

Verified and found Correct.

Supply/Rationing Inspector.

**The Maharashtra Scheduled Commodities (Regulation of Distribution) Regulation, 1975**

**For Office use only**

Inspector's verification remarks : .....

Exact Code No.....Verified all the details, Contacted Shri/Smt. ....

Whose name appears in the application. Also contacted the neighbour Shri/Smt.....

whose supply/ration card number is .....

All the information was found to be/correct. Please issue supply/ration card for .....

.....Adults and ..... children (Total Units .....

Date :

Supply/Rationing Inspector

**Assistant/Rationing Officer's/Inspecting Officer's/Tahsildar's Orders**

Temporary/Permanent Supply/Ration Card may be issued for.....

Adults and ..... Children (Total units .....

Date :

Assistant/Rationing Officer/  
Inspecting Officer/Tahsildar.

Serial No. of the Supply/Ration Card ..... Units Sanctioned

.....Received new Supply/Ration Card on .....

(Signature/LHTI of the Applicant)

**Form I**

*Counter Foil*

(Preserve his carefully to avoid delay in issuance of Supply / Ration Card) Verified

on ..... Code No.....

Applicant name.....

Registration No. .... Produce on .....Inspector

Date :

for Collector/Controller.

I hereby authorize Shri/Smt. ....  
 whose name appears in the application to receive the Supply/Ration Card on my behalf.

(Signature/LHTI of Applicant)]

\* Form I substituted by Notification No. SAVIVYA. 1097/CR-8060/CS-28, dated 24.03.1998.

**FORM I-A**

[See Regulations 3(1)]

Ten paise

FPS. No.

Application for Renewal of Household Supply Card under Regulation 3(1) of the Maharashtra Scheduled Commodities (Regulation of Distribution) Regulations, 1975,

(to be filled in by the Head of Household)

Name ..... Age .....

(In Block Capital Letters beginning with Surname)

Card No.

F.P.S. No.

Reference No.

Units

2. Name of the Building

House No./Plot No.

Flat/Room No.

Floor.

Name of the Road/By Road/By Lane

Village,

Postal District

3. Names of the persons who are already included in the Supply Card and who continue to reside with me at to reside with me at the address given above.

Name	Relationship with the applicant	Age	Occupation



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(Attach a list if necessary)

4 -(A) Names of the persons desired to be reduced from the Supply

Name	Relationship with the applicant	Reasons for reduction

4-(B) Names of the persons residing with me at the address given above but who are not included in any supply card.

Name	Age	Relationship with the applicant	Reasons for increase

5. Applicant's occupation (in detail)
6. I declare that none of the persons mentioned in Para 3 above is include in any other supply card or in any application for such card and that all the above statements are true.
7. I shall allow enquiry to be made in respect of this application and the concerned card. I know that the supply card is Government property and I shall surrender it when demanded by any officer empowered by the Collector,

Date: .....

Signature /Thumb Impression of applicant.

(For office use only)

Name of the Inspector.....

Verified and found correct .....

Reduction from ..... Units to ..... units is carried out.

Increase ..... Foodgrains Inspector.

Received permanent supply card duly renewed.

Date .....

Signature of applicant.

**FORM I-B**

*(See Regulation 3\*[(-)]\*(1))*

Index/Record Slip

Code No.

1. Permanent / Temporary Supply Card S. No. ....

Adults ..... Children .....Units.

2. F.P.S. No. .... Ref. No .....

3. Name of the Card holder:

4. Address of Cardholder:

Signature of Foodgrains Inspector who collected the slip.

Name:-

Signature of Card holder.

\* Deleted by Notification No. ECA-2477/422(540)/XXIII, dated 20th April 1978.

**FORM II**

*[Vide Regulation 3(2)]*

Local Area\*

Ten Paise

Establishment

Code No .....

Registration No .....

Application For Establishment Supply Card

*(To be filled in by the Manager or owner or person-in-charge of Establishment)*

**Warnings-**

(1) Any false statement made and known to be such would be punishable.

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(2) The Card is liable to be cancelled if any information given in the application is found to be incorrect.

(3) If full details are not furnished in the form it will not be accepted.

I. Applicant's full name .....  
(In block capital letters and beginning with surname)  
.....Age.....

II. (a) Name of the Establishment .....

(b) Description of ..... Establishment, i.e. Eating House, Bhatyarkhana, Rice Plate Shop, Restaurant, Idli Dosa Shop, Puri Parotha Shop, Tea Shop, Residential Establishment, Scholl/College Hostel, Mess, Orphanage, Residential Hotel, Running Restaurant, General Hospital, T.B. Hospital, Maternity Home, Industrial Canteen serving meals and / or snacks etc. (Strike off whatever are not applicable.)

III. Full Address: -

Name of the Building (if any) .....

Municipal House No./Plot No./Survey No. ....

Flat/Room No ..... Floor No.....

Name of the Road/By Road/ By Lane .....

Village ..... Taluka..... Postal District.....

IV. Name and address of person -in-charge

V. Name and No. of the Municipal and Police Licenses held

VI. (a) Number of permanent residents in the Establishment (excluding servants)  
-----

(b) Average No. of servants for last three months including Baharwala .....

(c) Number of casual visitors .....

VII. Names of preparations normally available in the establishment prepared out of cereals and non-cereals.

VIII. Monthly average of foodgrains and other Schedule Commodities purchased during last three months.

IX. Name and address of wholesaler or retail dealer from whom or mill or manufacturing establishment from which supplies of foodgrains and other Scheduled Commodities were obtained .....

X. Quantity of each foodgrains and other Scheduled Commodities required for the Establishment for four weeks (in terms of Quintals and Kilograms)

(1) Rice .....

(2) Wheat .....

(3) .....

(4) .....

(5) .....

XI. I declare that I do not possess an Establishment Supply Card nor have I separately applied for it and that names of the persons in VI (a) and (b) above has been included in any application for any Household Foodgrains Card or for any Establishment Supply Card and that all the above statements are to be best of my knowledge and belief, correct.

XII. I shall allow enquiry to be made with respect to the contents of this application and with respect to the Card for which I have applied. I know that such a Card is Government property and I Shall surrender it when demanded by the Collector or any other officer empowered by him.

Date : .....

Signature of Applicant

\* **Here mention the local area.**

\_\_\_\_\_

**The Maharashtra Scheduled Commodities (Regulation of Distribution) Regulation, 1975**

**FORM II**

*(Counterfoil)*

Local Area\*

*(Preserve this carefully; otherwise issue of Card may be delayed)*

Code No .....

Registration No .....

Serial No. ....

Name of the applicant .....

Date -

To be produced on.....for the Establishment Supply Card.

Date : .....

For Collector.

Inspector's verification remarks. – Verified all items, checked Code.

Seen Muster Roll, Account Books, all licenses.

Contacted Shri .....

Please sanction units based on ..... Residents

..... Servants.

Date : .....

Inspector

---

Orders of the Authorized Officer :-

Date : .....

.....

Issuing Officer/Authority.

Serial Number of Establishment Supply Card issued .....

Units sanctioned.....

Received the above Card on .....

Signature of applicant .....

Additions and alternations :-

I hereby authorize Shri ..... a member of my Establishment to receive the Card on my behalf.

Date : .....

.....  
Signature of left hand thumb

Impression of applicant.

-----  
\*[Form III

**Household Supply/Ration Card**



**Government of Maharashtra**

Sr. No. Household Supply/Ration Card Rationing  
Area: .....

Form No. District .....

Citizenship ..... Code No. ....

Head of Household .....

Age..... Full Residential Address .....

.....

Total annual income of family mentioned in application Rs. ....

If L.P.G. is used, name of the consumer .....

.....

Gas Consumer No./Motor No. ....

Single/Double Cylinders. Name of the Gas Distributor with full address  
.....  
.....

Signature or left hand thumb impression Date of ofissuing the Head Supply Ration of Household Card

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Number of		Signature of Inspector Rationing Officer
Adults	Children Units	

.....  
 Signature of Inspector/Supply Officer.  
 Collector .....  
 Controller of Rationing, Mumbai.  
 By order and in the name of the  
 Governor of Maharashtra.  
 Secretary,  
 Food Civil Supplies and Consumer  
 Protection Department,  
 Government of Maharashtra.

**This Supply/Ration Card is meant for supply of P.D.S. items only  
 and not for any other proof.**

- (1) Supply/Ration Card is the Government property and card holder shall be responsible for its safe custody.
- (2) On Purchase of P.D.S. Items on supply/Ration card, before leaving shop cardholder should ensure that items enumerated in Cash. Memo, its weight, prices are properly noted in the relevant columns of supply/Ration Card.
- (3) If there is any complaint, register it in the Complaint Book kept in F.P.S./A.R.S. On demand F.P.S.K./A.R.S.K. is bound to produce it.
- (4) To obtain or attempt to obtain more than one supply/Ration Card by an individual is an offence.
- (5) Don't allow to use your card to others and don't use others card. Don't purchase P.D.S. items on the units of your family member, who is out of station for more than a month. If shifted delete the name from card.

**House Visit/Verification/Renewal**

Date	Name of the Officer and Designation	Signature

Year		January		February		March		April		May		June	
Fortnight		(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Rice	Kg.												
	Date -												
Wheat	Kg.												
	Date -												
Sugar	Kg.												
	Date -												
Edible Oil	Kg.												
	Date												
Kerosene	Ltr.												
	Date												
Dal	Ltr.												
	Date												
	Ltr.												
	Date												
	Ltr.												
	Date												



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Year		July		August		Sept.		October		Nov.		Dec.	
Fortnight		(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Rice	Kg.												
	Date -												
Wheat	Kg.												
	Date -												
Sugar	Kg.												
	Date -												
Edible Oil	Kg.												
	Date												
Kerosene	Ltr.												
	Date												
Dal	Ltr.												
	Date												
	Ltr.												
	Date												
	Ltr.												
	Date												

Signature of the verifying Supply/Rationing

Inspector .....

Date of Verification .....

Name and address of F.P.S.K./A.R.S.K.	No: of F.P.S.A.R.S.	Reference No.	Date of Registration	Signature of F.P.S./A.R.S. Keeper

**Consumer's Right**

1. Protection against the marketing of goods which are hazardous to life and property
2. To be informed about the quality, quantity, potency, purity, standard and price of goods so as to protest against unfair trade practices.
3. To be assured, wherever possible, access to a variety of goods at competitive prices.
4. To be heard and considered in the matter of consumer's interest.
5. To seek redressal against unfair trade practices and unscrupulous exploitation.
6. Opportunity to secure information and skill.

Old No. of Supply/Ration Card ....., Date .....

F.P. S./A.R. S. No. ...., Ref. No. ....

**Names included in Supply/Ration Card**

Serial No.	Name	Age	Relation with Head of Household	Signature of Inspector/ Rationing Officer

Fee. For Original Card Rs. 5.

For Duplicate Card Rs. 10.

\* **Form III substituted by Notification No. SAVIVYA-1097/CR-8060/CS-28, dated 24.03.1998.**

**The Maharashtra Scheduled Commodities (Regulation of Distribution) Regulation, 1975**

**FORM IV**

@Fifty paise for original

@Two rupees for duplicate

(Vide Regulation 4 of the Maharashtra Scheduled Commodities)

(Regulation of Distribution) Regulations, 1975

Government of Maharashtra

Temporary Household Supply Card

Serial No. of application .....

Card Sr. No.

Code No. ....

Head of Household .....

..... Age .....

Full address .....

Signature of thumb

Impression of Cardholder .....

No. of Units	Signature of the Issuing Authority	No. of Units	Signature of the Issuing Authority

Date of Issue .....

Issuing Authority.

Collector of \* Local Area

\* Here mention the name of the local area.

By order and in the name of the Governor of Maharashtra.

(Sd.) X X X

Secretary to the Government of  
Maharashtra

Food and Civil Supplies Department.

@-@ Substituted vide G.O. No. ECA-2475/XXIII, 7th January 1976.

## Scheduled Commodities

\*[Fortnights]

Year	1986											
Month	January		February		March		April		May		June	
Fortnight	1	2	1	2	1	2	1	2	1	2	1	2
Rice												
Wheat												
Leavy Sugar												
Edible Oil												
Jowar												

Year	1986											
Month	July		August		Sept.		October		November		December	
Fortnight	1	2	1	2	1	2	1	2	1	2	1	2
Rice												
Wheat												
Leavy Sugar												
Edible Oil												
Jowar												

**The Maharashtra Scheduled Commodities (Regulation of Distribution) Regulation, 1975**

Name of Persons Included in this Card

Serial No.	Name	Age	Relationship	Additional quota if any	Initials of Issuing Authority
(1)	(2)	(3)	(4)	(5)	(6)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					

Name and Address of Authorized Fair Price Shop	Authorized Fair Price Shop No.	Reference NO.	Date of Registration	Signature of Authorized Fair Price Shopkeeper
(1)	(2)	(3)	(4)	(5)

Valid From .....to.....

Signature of Issuing Authority

- 1
- 2

3  
4  
5  
6  
7  
8  
9  
10

\* “Fortnights” form substituted vide G.O. No. SAVIVYA – 1086 / 232 / CR46981 XXVIII, dated 10th September 1986.

**FORM V**

Rupees Two for Original

\* Rupees five for duplicate

Regulation —

*(Vide clause 4 of the Maharashtra Scheduled Commodity)  
(Regulation of Distribution) Regulations, 1975 Government of  
Maharashtra Establishment Supply Card*

Collector of Local Area

**Establishment Supply Card**

Serial No. ....

Application No. ....

Code No. ....

Name of Establishment .....

.....

Full address.....

.....

Description of the Establishment .....

Date of Issue .....

**The Maharashtra Scheduled Commodities (Regulation of Distribution) Regulation, 1975**

Signature of Issuing Authority \* Collector of Local Area By order and in the name of the Governor of Maharashtra.

B.K. HALVE.

Secretary to the Government of Maharashtra,  
Food and Civil Supplies Department.

\* Words 'Rupees five' substituted by Notification No. ECA-2475/XXIII, dated 7<sup>th</sup> January 1976.

+ Here mention name of the local area.

**Scheduled Commodities**

**\*Fortnights\***

Year	1986											
Month	January		February		March		April		May		June	
Fortnight	1	2	1	2	1	2	1	2	1	2	1	2
Rice												
Wheat												
Leavy Sugar												
Edible Oil												
Jowar												

Year	1986											
Month	July		August		September		October		November		December	
Fortnight	1	2	1	2	1	2	1	2	1	2	1	2
Rice												
Wheat												
Leavy Sugar												
Edible Oil												
Jowar												

Year	1987											
Month	January		February		March		April		May		June	
Fortnight	1	2	1	2	1	2	1	2	1	2	1	2
Rice												
Wheat												
Leavy Sugar												
Edible Oil												
Jowar												

Year	1987											
Month	July		August		September		October		November		December	
Fortnight	1	2	1	2	1	2	1	2	1	2	1	2
Rice												
Wheat												
Leavy Sugar												
Edible Oil												
Jowar												

Year	1988											
Month	January		February		March		April		May		June	
Fortnight	1	2	1	2	1	2	1	2	1	2	1	2
Rice												
Wheat												
Leavy Sugar												
Edible Oil												
Jowar												



**The Maharashtra Scheduled Commodities (Regulation of Distribution) Regulation, 1975**

Year	1988											
Month	July		August		September		October		November		December	
Fortnight	1	2	1	2	1	2	1	2	1	2	1	2
Rice												
Wheat												
Leavy Sugar												
Edible Oil												
Jowar												

Year	1989											
Month	January		February		March		April		May		June	
Fortnight	1	2	1	2	1	2	1	2	1	2	1	2
Rice												
Wheat												
Leavy Sugar												
Edible Oil												
Jowar												

Year	1989											
Month	July		August		September		October		November		December	
Fortnight	1	2	1	2	1	2	1	2	1	2	1	2
Rice												
Wheat												
Leavy Sugar												
Edible Oil												
Jowar												

Year	1990											
Month	January		February		March		April		May		June	
Fortnight	1	2	1	2	1	2	1	2	1	2	1	2
Rice												
Wheat												
Leavy Sugar												
Edible Oil												
Jowar												

Year	1990											
Month	July		August		September		October		November		December	
Fortnight	1	2	1	2	1	2	1	2	1	2	1	2
Rice												
Wheat												
Leavy Sugar												
Edible Oil												
Jowar												

**Renewal Verification**

Date (1)	Name and designation of the Officer (2)	Signature (3)

Name and Address of Authorized Fair Price Shop No.	Reference NO.	Date of Registration	Signature of Authorized Fair Price Shop
(1)	(2)	(3)	(4)

**The Maharashtra Scheduled Commodities (Regulation of Distribution) Regulation, 1975**

**Units Sanctioned**

Permanent Resident	No. of Servants	Casual Visitors	Total Units	Signature of Issuing Authority
(1)	(2)	(3)	(4)	(5)

**Units Sanctioned**

Permanent Resident	No. of Servants	Casual Visitors	Total Units	Signature of Issuing Authority
(1)	(2)	(3)	(4)	(5)

\* "Fortnights" form substituted vide G.O. No. SAVIVYA – 1086 / 232 / CR4698/XXVIII, dated 10th September 1986.

**Form VI**

(Vide Regulation 10 of Regulation)

**Government of Maharashtra**

Supply Authority valid for one week from the date of issue (for office)

Indent No. IDT .....

Date .....

Name .....

Fair Price Shop No.....

Is authorized to purchase -

	Quintals	Kgs.
Wheat	..	.. ..
Rice	..	.. ..
Levy Sugar	..	.. ..
Other Scheduled Commodities	..	.. ..
Collector	..	.. ..

---

**Form VI**

*(Vide Regulation 10 of Regulation)*

**Government of Maharashtra**

Supply Authority valid for one week from the date of issue

*(for FPS/wholesaler/Godown Keeper/manufacturers/suppliers etc.)*

Indent No. IDT .....

Date .....

Name .....

Fair Price Shop No.....

Is authorized to purchase -

	Quintals	Kgs.
Wheat	.. ..	..
Rice	.. ..	..
Levy Sugar	.. ..	..
Other Scheduled Commodities	.. ..	..
Collector	.. ..	..

---

**The Maharashtra Scheduled Commodities (Regulation of Distribution) Regulation, 1975**

**Form VI**

(Vide Regulation 10 of Regulation)

**Government of Maharashtra**

Supply Authority valid for one week from the date of issue

(for the Party)

Indent No. IDT .....

Date .....

Name .....

Fair Price Shop No.....

Is authorized to purchase -

	Quintals	Kgs.
Wheat	.. ..	..
Rice	.. ..	..
Levy Sugar	.. ..	..
Other Scheduled Commodities	.. ..	..
Collector	.. ..	..

\* Word "ten paise" deleted vide Government Order No. ECA-2477/422/(540)/XXIII, dated 20th April, 1978.

---

**FORM VII**

Five rupees for Original

Ten rupees for Duplicate

[Vide Regulation 11 (1) of Regulation]

Authorisation Issued Under The Maharashtra Scheduled Commodities

(Regulation of Distribution) Order, 1975.

**Government of Maharashtra**

(Under clause 3 of the Order)

(Liable to be Cancelled, if Transferred)

Office of the Collector

Date :

For Retailers.

Authorisation –

F.P.S. No. ....

Name of the F.P.S.....

Address of the F.P.S.....

Name of the dealer in charge .....

Address of the dealer in charge .....

Name/Names of the owner or partners or Secretary or Manager (in case of Firm, Co-operative Society or Company or Employer's shop).

(1) Shri .....

(2) Shri .....

(3) Shri .....

(4) Shri .....

(5) Shri .....

Address of the premises, if any, where the dealer is permitted to stock or store scheduled commodities

The said retailer is hereby approved as an Authorized Fair Price Shop Keeper for the purpose of purchase, distribution and sale of Scheduled Commodities, which Government intends to supply or supplies, to the public at the controlled price.

2. The Authorization is valid upto the 31st December and its validity may be extended from time to time.
3. The Authorization may be amended, suspended or cancelled during the period of its validity accordance with the provisions of the Maharashtra Scheduled Commodities (Regulation of Distribution) Order 1975, or any regulations made thereunder.
4. The Authorization should be displayed in a prominent place of the shop and produced for inspection when so required by an Authorized Officer of Government.

**The Maharashtra Scheduled Commodities (Regulation of Distribution) Regulation, 1975**

5. The Authorization is valid for the period specified on it. The holder of the Authorization should get it extended in due time by the Collector before the expiry of the validity period.

\*No authorized retailer shall carry on business in any scheduled commodity after the expiry of the validity period of his authorization. Where any authorized retailer carried on such business after the expiry of the validity period of his authorization, he shall be deemed to have contravened this Order and shall be liable for Departmental action, prosecution or both.\*

6. The Authorization is not transferable in any manner, without the previous approval of the Collector.

7. If the concern in respect of which this authorization has been issued is to be transferred sub-let or contracted to be run by any other person the holder of this Authorization shall give 30 days previous notice in writing to the Collector and the holder and the other person concerned may apply to the Collector for getting the Authorization transferred to such person. The Collector is not bound to continue the Authorization after the concern is transferred sub-let or contacted to be run by any other person or to transfer the Authorization to such person.

8. The F.P. Shopkeeper shall comply with such directions as may be given to him by the Collector in regard to purchase, sale or storage for sale of Scheduled commodities and in regard to the maintenance of accounts, keeping of the registers, returns and issue of receipts “and the language in which they shall be written” and such other matters.

9. The holder of the Authorization shall be liable for departmental action, prosecution or both, as the case be for any contravention of the provisions of the Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975 or any instructions, directives or orders issued under any such provisions.

Date.....

Collector

Extended to:	(1)	(1)
	(2)	(2)
	(3)	(3)

**Form VII-A**

Government of Maharashtra

Authorisation Issued Under the Maharashtra Scheduled Commodities

(Regulation of Distribution) Order, 1975.

[Vide Regulation 11(2) of Regulation]

(Liable to be cancelled, if Transferred)

For Authorised Agents

Office of the Collector

Government of Maharashtra

Authorisation –

District .....

Name of the authorized agent (Business name) .....

Address .....

Name (s) and addresses of the Owner or Partners or Secretary or Manager (in case of firm, company, co-operative society, etc.)

(1) Shri..... (address).....

(2) Shri..... (address).....

(3) Shri..... (address).....

(4) Shri..... (address).....

Address of the premises, where the authorized agent is permitted to stock or store scheduled commodities.

The said agent is hereby approved as an authorized agent is permitted to stock or store Scheduled Commodities.

The said agent is hereby approved as an Authorized agent for the purpose of purchase, storage and delivery of Scheduled Commodities, which Government intends to supply or supplies, to his constituent Fair Price shops and establishment at controlled price:

2. The Authorization is valid upto the 31st December of the year of issue and its validity may be extended from time to time.



**The Maharashtra Scheduled Commodities (Regulation of Distribution) Regulation, 1975**

3. The Authorization may be amended, suspended or cancelled during the period of its validity in accordance with the provision of the Order or any Regulations made thereunder.
4. The Authorization should be displayed in a prominent place in the office of the authorized agent and produced for inspection when so required by an Authorized Officer of Government,
5. The Authorization is valid for the period specified in it. The Authorized agent should get it extended in due time by the Collector before the expiry of the validity period.

\*[No authorized agent shall carry on business in my scheduled commodity after the expiry of the validity period of his authorization. Where any authorized agent carries on such business after the expiry period of his authorization, he shall be deemed to have contravened this Order and shall be liable for Departmental action, prosecution or both.]

6. This Authorization is not transferable.
7. If the Authorization is or is to be in the name of a firm, company, co-operative society or association of persons, the name of the firm, company, co-operative society or association, its place or places of business, the names and residential addresses of the partners or office bearers in charge of the conduct of its business or affairs shall be furnished to the Collector and whenever there is any change in the information furnished to the Collector written intimation thereof shall be given to the Collector within seven days from the date on which such change takes place.
8. The authorized agent shall comply with any direction that may be given to him by the Collector in regard to purchase, storage or supply of Scheduled Commodities in respect of which he is an authorized agent and in regard to the maintenance of accounts, registers, submission of returns, issue of receipts and such other matters.
9. The authorized agent shall be liable for departmental action, prosecution, or both, as the case may be, for any contravention of the provisions of the Order or any Regulations made there under or of any instructions, directions or orders issued under any such provisions.

Date .....

Collector  
Government of Maharashtra.

	Date	Signature	Date	Signature
Extended to-		(1)		(4)
		(2)		(5)
		(3)		(6)

\* Added vide Government Order No. ECA-2475/XXIII, dated 29th June 1976.

Form VII-B

Ten Paise

Appointment of Agent

[Vide 12.of the Regulations]

To,

The Collector,

..... District,

I/We, ..... carrying on business as a dealer in establishment in the name and style of ..... at .....

I/We, ..... carrying on business in partnership as a dealer in an establishment in the firm, name and style of ..... at .....

I/We, ..... a co-operative society registered or deemed to be registered under the, Maharashtra Co-operative Societies Act, 1960 and having its registered office at .....and running an Authorized Fair Price Shop/ Establishment No.....

at.....under Authorization.....

No.....dated the.....

issued to ..... do hereby (\* jointly and each of severally) nominate, constitute and appoint ..... as the agent on my/our behalf to execute and perform all or any of the following acts, deeds, matters • and things tender

**The Maharashtra Scheduled Commodities (Regulation of Distribution) Regulation, 1975**

the provisions of the Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975.

- (1) To prepare on my/our behalf indents for foodgrains, levy sugar and other commodities which the Collector decides to distribute from time to time to the Authorized' Fair Price Shops Establishment.
- (2) On receipt of delivery /release order issued by Government, to promptly take delivery after making payment therefore on my/our behalf, and deliver the same to me/us.
- (3) To demand, Collect, recover and receive from Government, the amount due to me/us in respect of excess money, if any, paid for the price of the foodgrains, levy sugar and other scheduled commodities and/or the reimbursement by Government of any amounts due to me/us from time to time in respect of my/our said indent for foodgrains, levy sugar and other scheduled commodities submitted by me/or on my/our behalf to the Collector, as aforesaid and to give effectual receipt and discharges there for on my/our behalf.
- (4) To negotiate and settle for an amount whatsoever all/my/our claims in respect of the foodgrains, levy sugar and others scheduled commodities/supplied to me/us from time to time.
- (5) Generally to do all other acts, deeds, things and matters as may be convenient for obtaining foodgrains, levy sugar and other scheduled commodities on my/our behalf and delivering the same to me/us.

Date at ..... the ..... Day of.....199

.....

(Signature)

I/we hereby accept appointment as agent on the terms and conditions mentioned above.

Dated at ..... on .....

(Signature)

In the presence of

(1) .....

(2) .....

Dated at .....On.....

**Note.- \* Words in brackets to be retained in case of partnership firms.**

-----

FORM VII-C

Ten Paise

(Revocation of appointment of Agent)

[Vide 12 (2) of the Regulation]

To,

The Collector,

..... District,

I/We, .....  
carrying on business as a dealer/an establishment in the name and style of at.....

.....I/We, .....  
carrying on business in partnership as a dealer/ an establishment in the firm, name and style  
of .....at ..... 'I/We.....

a co-operative society registered or deemed to be registered' under the Maharashtra Co-  
operative Societies Act, 1.960 and having its registered office at .....

and running an Authorized Fair Price Shop/Establishment No .....at  
..... under Authorization No .....

dated the .....issued to .....

do hereby revoke the appointment of ..... as my/our  
agent for the purposes of the Maharashtra Scheduled Commodities (Regulation of Distributi  
on) Order, 1975.

Dated at .....On the .....day of ..... 197

.....

(Signature)

-----

**The Maharashtra Scheduled Commodities (Regulation of Distribution) Regulation, 1975**

**FORM VIII**

(Regulation 13 of Scheduled Commodities (Regulation of Distribution)

Regulations, 1975)

*Application for increase in the units of Household Supply Card.*

Code No..... Serial No.....

**Warnings-** (1) Any false statement made and known to be such would be punishable.

(2) The Card is liable to be cancelled, if any information given in the application is found to be incorrect.

I, ..... age ..... residing at Flat/.....

(Name beginning with Surname)

.....  
(Municipal Ward No.)

(Postal District)

apply ..... for-

I. Inclusion of the following names in my Supply Card No .....

.....registered at Fair Price Shop No .....

..... Reference No. ....

	Name	Relationship with the applicant	Age	Occupation	Date of arrival	Probable period of further stay
	(a)	(b)	(c)	(d)	(e)	(f)
1)						
2)						
3)						
4)						

II Additional units on my Supply Card No..... registered at Fair Price Shop No. ....(Ref. Register No. ....) as the following children have attained the age of six years:-

**FORM VIII**

	Name	Relationship with the applicant	Birth date
	(a)	(b)	(c)
(1)			
(2)			
(3)			
(4)			

III. (a) State whether the applicant and/or any members of his family included and to be included in the household supply card pay any land revenue and, if so, state the total amount of land revenue so paid, per year.

(b) State the monthly income of the applicant and the members of his family included and to be included in the household supply card together:

IV. None of the persons mentioned above are included in any application for Household Supply Card or any Establishment Supply Card, except that Child/Children in paragraph H above has/have been included in my Supply Card.

VI. Declare that all the above statements are, to the best of my knowledge and belief correct,

Date: .....

Signature of applicant.

**Word "Ten Pulse" deleted vide G.O. No. ECA 2477/422/540 XXIII, dated 20th April 1978.**

-----  
**FORM VIII**

*Counterfoil*

(Preserve This. Carefully ; If Lost Issue of Card Will be Delayed) Local Area:\*

Code No.....

Serial No.....

To be produced on ..... Received Supply Card No. ....

Date .....

**The Maharashtra Scheduled Commodities (Regulation of Distribution) Regulation, 1975**

For Collector

\*Here mention the focal area.

Inspector's Report-

(1) Visited the premises on .....at.....

(2) Correctness or otherwise of the information in the application form:-

Orders of DSO/FDO/AFDO or any other issuing' authority.

Inclusion of ..... adults and.....children allowed. Increase number of units ..... from .....to ..... due to children reaching age six and new children total increase of units .....from.....to.....

Allowed.

Received

Units

Supply Card No. ....

Date .....

(Signature of the applicant)

-----  
**FORM IX**

Local Area\*

10 paise

(Vide Regulation 14 of the Scheduled Commodities (Regulation of Distribution) Regulation, 1975)

Application for reduction in the units of Household Supply Card.

Code No. ....

Serial No.....

**Warnings** – (1) Any false statement made and known to be such would be punishable.

(2) The Card is liable to be cancelled, if any information given in the application is found to be incorrect.

I,.....age.....residing at.....

(Name beginning with Surname)

(Flat/Room No.)

.....  
(Name of Building) [Municipal house No. (road) Municipal Ward No.....

Apply for exclusion of the following person ..... [Postal District]

..... From my Supply Card No. .... registered at F.P

Shop No.....(Reference Register No. ....):-

	Name	Relationship with the applicant	Age	Occupation	Date of departure or death	In case of departure place
	(a)	(b)	(c)	(d)	(e)	(f)
(1)						
(2)						
(3)						

I declare that all the above statements are to the best of my knowledge and belief correct.

Date.....

(Signature of applicant)

\* **Here mention the name of local area,**

-----

**FORM X**

Local Area\*

10 Paise

(Vide Regulation 16(1) of the Scheduled Commodities  
(Regulation of Distribution) Regulation, 1975)

*Application for reduction in the units of Household Supply Card.*

In case of change of address to be presented to the Authorised Officer in whose jurisdiction new address is).



**The Maharashtra Scheduled Commodities (Regulation of Distribution) Regulation, 1975**

Code No.....

Serial No.....

- Warnings** - (1) Any false statement made and known to be such would be punishable.  
 (2) The Card is liable to be cancelled, if any information given in the application is found to be incorrect.

I. I.....age.....residing at.....  
 (Name beginning with Surname) (flat /Room No.)

(name of Building).....unicipal House No.] (Road) [Municipal Ward No.] [Postal District] apply for the following changes in my supply Card registered at F.P.S. No. .... (Reference Register No.....)

Supply Card No..... registered at F.P. Shop No.....

Present Position (1)	Disired Change (2)	Reasons (3)

I declare that all the above statements are to the best of my knowledge and belief correct.

Date .....

.....

(Signature of applicant)

**FORM XI**

Local Area\*

10 Paise

(Vide Regulation 16(2) of the Scheduled Commodities (Regulation of Distribution) Regulation, 1975)

*Application Form for Duplicate Cards in cases of lost/stolen/torn/defaced Supply Card.*

Code No.....

Serial No.....

- Warnings** - (1) Any false statement made and known to be such would be punishable.  
 (2) In case of torn/defaced card, old card must accompany this application.

I. I..... age.....residing at.....

(Name beginning with Surname)

..... apply for a duplicate card as my household Supply Card

No. .... registered at F.P. Shop No. ....

(Reference Register No. ....) has been lost/stolen/torn defaced on

..... and all efforts to locate it have failed.

II. I shall register the new card when received at the same Fair Price Shop viz .....

.....

III. Name of the employer/business and his business address:-

.....

IV. ....

Name (s) of the person (s) other than the applicant who normally reside (s) with the applicant as member (s) of the Household	Relationship with the applicant	Age	Occupation
(a)	(b)	(c)	(d)
1.			
2.			
3.			
4.			
5.			

V. None of the persons mentioned above is included in any application for Household Establishment Supply Card or any Household/Establishment Supply Card except my old Supply Card No.

**The Maharashtra Scheduled Commodities (Regulation of Distribution) Regulation, 1975**

**VI. (a)** State whether the applicant and/or any members of this family to be included in the household supply card, pay land revenue and, if so, state the total amount of land revenue so paid, per year

(b) State the monthly income of the applicant and the members of his family to be included in the household supply card together.

**VII.** I declare that all the above statement are to the best of my knowledge and belief correct.

**VIII.** I shall allow enquiry to be made with respect to the contents of this application and with respect to the card for which I have applied.

**IX.** If the lost/stolen Card is found, I shall surrender it immediately.

Date.....

.....  
(Signature of Applicant)

\*Here mention the name of local area

**FORM XII**

*(Vide Regulation 18(2) (i) of Regulations)*

Cash Memo No. ....

Name of the Fair Price Shop .....

Address of Fair Price Shop .....

Daily Serial No. .... Fair Price Shop No. ....

Ref. No. .... Unit .....

Card No. .... Date .....

Name of Scheduled Comodities	Retial rate etc.	Quantity supplied	Price Charge	
(1)	(2)	(3)	(4)	
Rice Superfine		Kg.grams	Rs.	Ps.

	Fine			
	Medium			
	Coarse			
Wheat				
	Superfine			
	Medium			
	Common			
Millets				
	Gram			
	Levy Sugar			
	Other Scheduled			
	Commodities			
	Total:	Kg. grams	Rs.	Ps.
Weeks	Signature			

Signature of thumb mpression of the purchaser

By order and in name of the Governor of Maharashtra.

B.K.HALVE

Secretary to Government



**THE KEROSENE (RESTRICTION ON USE AND FIXATION OF  
CEILING PRICE) ORDER, 1993**

MINISTRY OF PETROLEUM AND NATURAL GAS

Dated September 2, 1993

**Notification**

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**G.S.R. 584 (E).**- In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order, namely:-

**1. Short title and commencement:**

- (1) This order may be called the Kerosene (Restriction on Use and Fixation of Ceiling Price) Order, 1993.
- (2) It extends to the whole of India.
- (3) It shall come into force on the date of its publication in the Official Gazette.

**2. Definitions:-**

In this Order, unless the context otherwise requires,

- (a) **“Chief Controller of Explosives”** shall have the same meaning as assigned to it in the Indian Explosives Act, 1884 (4 of 1884);
- (b) **“consumer”** means a person, firm, company, institution, association of persons, co-operative society or organisation who is authorized by the Central or State Government to use kerosene for cooking and illumination;
- (c) **“dealer”** means a person, firm, association of persons, company, institution, organisation of a co-operative society approved by Government Oil Company or Central or State Government or a parallel marketeer and engaged in the business of buying and selling kerosene;
- (d) **“declared price”** in relation to kerosene sold under the public distribution system means the maximum selling price declared by the Central Government from time to time with reference to an area and shall include such other charges, rates, duties and taxes prescribed:-

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- (i) by the State Government of District Collector in the case of any area in a State, or
  - (ii) by the Administrator of the Union Territory, in the case of any area in a Union Territory;
- (e) **“Kerosene”** means a middle distillate mixture of hydrocarbons meeting BIS specification No:IS-1459 of 1974 with important characteristics of flash point at a minimum of 35<sup>0</sup>C and smoke point at a minimum of 18 mm.
- (f) **“Government oil company”** means,
- (i) the Indian Oil Corporation Limited,
  - (ii) the Bharat Petroleum Corporation Limited.
  - (iii) the Hindustan Petroleum Corporation Limited.
  - (iv) the IBP Co Limited.
  - (v) the Oil and Natural Gas Commission,
  - (vi) the Gas Authority of Indian Limited,
  - (vii) the Oil Indian Limited or
  - (viii) any other Government Company or a Statutory body declared by notification to be a Government Oil Company by the Central Government for the purpose of this order;
- (g) **“Indian Standard”** shall have the same meaning as assigned to it is clause (g) of section 2 of the Bureau of Indian Standards Act, 1986 (63 of 1986);

+[(ga) **“Marker”** .....]

+ Inserted by G S R No. 19(E) dated 12.1.2007 but deleted by G S R No. 2(E), dated 31.12.2008.

- <sup>1</sup>(h) **“parallel marketeer”** means any person, firm, company institution, association of persons, co-operative society or organisation carrying on the business of importing, refining, producing, packing, marketing, distribution and selling kerosene under the parallel marketing system;

- (i) **“parallel marketing system”** means the system other than the public distribution system, under which a person imports, transport, packs, distributes or sells kerosene under his own arrangement;
- (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) **“storage point”** means the premises approved or licenced by the Chief Controller of Explosives;

+[ (Ka) "Test Kit"..... ]

Inserted by GSR No. 19(E) dated 12.01.2007 but deleted by GSR No. 2(E) dated 31.12.2008

- (l) **“transporter”** means a person authorised by a Government Oil Company, parallel marketeer or a distributor for transportation of kerosene.
  - 1. Sub-clause (h) substituted by GSR No. 105(E) dated 22.02.2001
  - 2. Sub-clause (i) GSR No. 405(E) dated 6.07.2006

**3. Restriction on use of kerosene supplied under public distribution system:-**

- (1) No person shall use kerosene supplied under the public distribution system for any purpose other than cooking and illumination:

Provided that the Central or State Government may by order permit any person to use kerosene for such other purposes as it may specify in that order.
- (2) No dealer appointed under the public distribution system or a transporter shall sell, distribute or supply kerosene under the public distribution system to any person other than the person to whom the supplies are meant for;

**+ [3-A. Restriction on on sale and use of kerosene imported under Parallel Marketing System :-**

No person shall sell or use kerosene imported under the Parallel Marketing System as a fuel or as additive to the fuel in a motor vehicle".

**3-B. Restriction on sale of kerosene by persons not authorized.**

No person other than the dealer or Government Oil Company or parallel marketeer shall sell kerosene to any person.]

+ Clauses 3-A ad 3-B inserted by GSR No. 638(E) dated 21.10.1998



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**+ [3-C. Restriction on sale and use of kerosene, indigenously produced or imported and marketed by Indian Oil Corporation Limited, Hindustan Petroleum Corporation Limited, Bharat Petroleum Corporation Limited and IBP Co. Limited.-**

### **4. Procurement, storage and sale of kerosene under the public distribution system:**

- (1) No dealer having stocks of kerosene supplied under the public distribution system at the business premises, including the place of storage:-
  - (a) shall unless otherwise directed by the Government or Government Oil Company, refuse to sell, distribute or supply the kerosene to any consumer on any working day, during working hours,
  - (b) shall keep his business premises, including the place of storage closed during working hours on any working day without the prior written permission of the Government or the Government Oil Company,
  - (c) shall sell, distribute or supply kerosene at a price higher than that fixed by the Government or Government Oil Company.
- (2) Every dealer appointed under the public distribution system shall take all reasonable steps to ensure that adequate stocks of kerosene are available at the business premises including the place of storage at all times.

**Explanation-** for the purpose of sub-clauses (1) the expression “working hours” means the working hour fixed by the concerned Oil Company in accordance with the Shops and Establishments Act in force in the respective State or Union Territory.

### **5. Display of stock and price by dealers appointed under public distribution system:**

Every dealer appointed under the public distribution system shall prominently display at the place of business including the place of storage on a conspicuous place a stock-cum-price board showing:-

- (i) the Opening Stock of kerosene;
- (ii) the quantity received during the day;
- (iii) the quantity sold, delivered or otherwise disposed of during the day;

- (iv) the closing stock of the day; and
- (v) such other particulars as the Government or Government Oil Company may by order in writing, specify in this regard.

**6. Maintenance of Registers, Account Books and submission of returns by a dealer under the public distribution system-**

Every dealer appointed under the public distribution system shall maintain proper accounts of daily purchase, sale and storage of kerosene at the business premises, everyday indicating therein:-

- (i) the opening stock of kerosene;
- (ii) the quantity received during the day;
- (iii) the quantity sold, delivered or otherwise disposed of during the day;
- (iv) the closing stock; and
- (v) such other particulars as the Government or Government Oil Company may by order in writing specify in this regard.

**7. Maintenance of records and furnishing of information by parallel marketeer -**

- (a) Every parallel marketeer before commencing the import transportation, packing, marketing, distribution or sale of kerosene shall intimate to the Central Government in the Ministry of Petroleum and Natural Gas his intention to engage in all or any one of the above activities specifying therein his capability to do so, and other relevant particulars.
- (b) The parallel marketeer of kerosene shall submit a monthly return before the 15th day of the following month giving details of kerosene imported, port wise to the Central Government in the Ministry of Petroleum and Natural Gas.
- (c) The parallel marketeer shall furnish to the Central Government in the Ministry of Petroleum and Natural Gas, or to such authority as may be specified by the Government in this regard, such other information as may be required.
- <sup>1</sup>[(d) The Parellel Marketeer shall file End Use Certificates from industrial consumers to whom he sells the kerosene and also furnish custowise sales to the State Civil Supplies Authorities by whatever name called, on a quarterly basis.”
- (e) The Parellel Marketeer shall ensure that quality checks are carried out to ensure take kerosene meets Bureau of Indian Standards Specification No. IS - 1459 in

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all respects before the imported kerosene is discharged into the storage infrastructure at the port or sold to any person.]

<sup>3</sup>[(f) Indian Oil Corporation Limited, Hindustan Petroleum Corporation Limited, Bharat Petroleum Corporation Limited and IBP Co. Limited shall file end - use certificate from industrial consumer to whom they sell the kerosene and also furnish customerwise sales to the State Civil Supplies Authorities by whatever name called, on a monthly basis;

(g) Indian Oil Corporation Limited, Hindustan Petroleum Corporation Limited, Bharat Petroleum Corporation Limited and IBP Co. Limited shall ensure that quality checks are carried out to ensure that kerosene meets Bureau of Indian Standards Specification NO. IS - 1459 in all respects before the indigenously produced kerosene is sold and in case of imported kerosene before the imported kerosene is discharged into the storage infrastructure at the port of sold;]

**1. Sub-clauses (d) and (e) inserted b G S R NO. 638 (E) dated 21.10.1998.**

**2. Substituted for the word “ import” by G S R No. 638 (E) dated 21.10.1998.**

**3. Sub-clauses (f) and (g) inserted by G S R 931 (E) dated 5.12.2003**

### **<sup>1</sup>[7-A. Assessment and Certification / Rating of parellel marketeers.**

(1) (a) No parellel marketeer, shall commence any activity such as <sup>3</sup>[import, store], transport, marketing distribution, sale or any activity incidental thereto, relating to the business of kerosene without obtaining a rating certificate on the basis of evaluation and rating for his capability, infrastructure network and readiness to carry out professed business and deliver goods and services promised, by an agency listed in Schedule A to this Order :

<sup>4</sup>[[ provided that a parellel marketeer who commences any such activity, before the commencement of this Order, shall within three months, gets himself evaluated and rated by the said agency.

<sup>2</sup>[Provided further that a parellel mrketeer carrying on the bussiness of transportation, distributing or selling of Kerosene, as an aegnt of another parellel marketeer, who has obtained a rating certificate, shall not be required to obtain a rating certificate.

**Explanation.-** For the purpose of this clause, a parellel marketeer shall be deemed to be an agent of another parellel marketeer if the former is appointed as such agent for the above purposes by the latter through a legal instrument.]]

- (b) the rating certificate shall be issued in the format as prescribed in Schedule B to this Order and as per the forwarding letter given in Schedule C.
- (c) The rating certificates shall,-
  - (i) be valid for a period of one year from the date of its issue, and
  - (ii) require renewal by the rating agency, annually.
- (2) Every parellel marketeer announcing details of his activity or inviting offers of any kind in the field of import, transport, marketing, distribution or sale of Kerosene, either in a newspaper, handout, pamphlet, Leaflet or by any other means of communication or advertising shall indicate the rating awarded to him and prominently publish the rating certificate, as given by the rating agency.
- (3) There shall be paid, in respect of every application, to a rating agency,-
  - (i) for the rating certificate awarded to thr parellel marketeer, a fee at the rate of 0.05 per cent of the project cost, subject to a minimum of rupees fifty thousand and maximum of rupees ten lakhs, and
  - (ii) for the renewal of the rating certificate by the parellel marketeer, a fee of one tenth of that required to be paid for such a certificate.
- (4) The agency listed for the purpose of evaluation shall on payment of the fee by the parellel marketeer, evaluate every parellel marketeer whose case is either reffered to it or who approaches it, on the basis of, inter alia, the parameters indicated and the information to be provided by such parellel marketeer in the pro forma as given in Schedule D to this Order and such other information as called for by the rating agency.
- (5) Every parellel marketeer shall file a certified true copy of the certificate of rating with the Ministry of Petroleum and Natural Gas, Oil Coordination Committee, Ministry of Food and Civil Supplies of the Central and the State Government and the Collector of the District in which he imports, transports, markets, distributes or sells Kerosene. All letterheads or communication of parellel marketeer shall have the following description of rating :-

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- (i) Name of the rating agency,
- (ii) Rating awarded to him, and
- (iii) Date of Issue

(6) No parallel marketeer shall either give incomplete, incorrect, misleading or vague information in the newspaper, handout, pamphlet, leaflet, advertisement etc. or submit such information to the rating agency.]

1. **Clause 7- A inserted by G S R No. 509(E). dated 19.6.1995.**
2. **Proviso and Explanation inserted by G S R No. 126 (E) dated 8.3.1996.**
3. **Substituted for the word “import” by G S R No. 638 (E) dated 21.10.1998.**
4. **It is to be noted that Cl. 7 - A is inserted by G S R No. 509(E) dated 19.6.1995 with one proviso to sub-clause (1) (a). Second Proviso and Explanation is inserted to sub-clause (1) (a) by G S R No. 126(E) dated 8.3.1996. Then, by Order No. G S R No. 638 (E) dated 21.10.1998, it is specified that - “ (ii) in sub-clause (1), in item (a), the proviso shall be omitted;.” It is not clarified as to which proviso out of two is to be deleted. Explanation, which is added along with Second proviso, is not ordered to be deleted. Since amendment is not clear, I have included both provisos here Readers to note.**

### **8. Kerosene under public distribution system to be made distinguishable-**

Kerosene supplied through public distribution system shall be made distinguishable from the kerosene to be imported, sold or distributed under parallel marketing system by use of suitable measures to be adopted by the Government Oil Companies as and when necessary.

[8 - A.....]

Inserted by G S R No. 19 (E) dated 12.1.2007 but deleted by G S R No. 2(E), dated 31.12.2008.

### **9. Power of entry, search and seizure-**

- (a) An Officer of the Department of Food and Civil Supplies of the Government not below the rank of an Inspector authorised by such Government and notified by the Central Government or any officer authorised and notified by the Central Government, or any officer not below the rank of a Sales Officer of a Government Oil Company authorised by the Government and notified by the

Central Government may with a view to ensuring compliance with the provision of this order with such assistance as may be required, for the purpose of satisfying himself that this Order or any Order made there under has been complied with:-

- (i) stop and search any vessel or vehicle or any other conveyance which the Officer has reason to believe, has been or is being or is about to be used in contravention of this Order.
  - (ii) enter or search any place with such aid or assistance, as may be necessary; and
  - (iii) seize and remove with such aid or assistance as may be necessary books, registers and other records pertaining to kerosene business, along with vehicle, vessel or any other conveyance used for carrying such stock if he has reason to believe that any provision of this Order has been or is being or is about to be contravened and thereafter take or authorise the taking of all measures necessary for securing the production of the kerosene at the Office of the Government Oil Company and the vehicle, vessel or other conveyance so seized before the Collector having jurisdiction under the provisions of Essential Commodities Act, 1955 (10 of 1955), for their safe custody pending such procedures.
- (b) 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 Order;

**Portion inserted by G S R No. 19(E), dated 12.1.2007 but deleted by G S R No. 2(E) 31.12.2008.**

#### **10. Overriding effect of the Order-**

The provisions of this Order shall have the overriding effect notwithstanding anything to the contrary contained in any order made by a State Government or a Union Territory or by an Officer of such State Government or Union Territory before the commencement of this order, except as regards anything done or omitted to be done there under before such commencement.

#### **11. Power to exempt-**

The Central Government may, if it considers necessary for avoiding hardship or for any other just and sufficient reasons, by notification in the Official Gazette, exempt any

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person from all or any of the provisions of this Order, either generally or for any specific period, subject to such conditions as may be specified in the notification.

Substituted by G S R No. 638(E) dated 21.10.1998.

### 12. Repeal and Saving-

- (1) The kerosene (Restriction on Use and Fixation of Price) Order, 1966 and Kerosene (Fixation of Ceiling Prices) order, 1970 are hereby repealed except respects things done or omitted to be done under these orders before the commencement of this order.
- (2) Notwithstanding such repeal anything done or any action taken under the said Orders shall be deemed to have been done or taken under the corresponding provisions of this order.

(No.P-11013'3 93 Dist)

DEVIDAYAL,Jt. Secy.

### [Schedule - A

(Clause 7- A(1)(a)]

Name and address of agencies for evaluation / rating of parallel Marketeer

Name	Address
1. CRISIL (The Credit Rating Information Services of India Ltd.)	Nirlon House, 2nd floor 254 - B, Annie Besant Road Worli, Bombay - 400 025
2. CARE (Credit Analysis & Research Ltd.)	RBC, Mahindra Towers 5th floor, Road No. 13, Worli Bombay - 400 018
3. MDRA (Marketing & Development Research Associates)	Secular House, 9/1 Institutional Area, Opp. JNU, New Delhi - 67
4. ICRA Investment Information Credit Rating Agency of India Ltd.)	Kailash Building, 4th Floor 26, Kasturba Gandhi Marg, New Delhi - I

**Schedule - B**

*[See Clause 7-A (1) (b)*

of Kerosene (Restriction on Use Fixation of Ceiling Price) Order, 1993

**Rating Certified for Parallel Marketeer**

Date of issue :

Name of the Firm/Company

Registered Office Address

Name of Promoter/Chairman/managing Director:

Activities

Particulars of Bankers

Overall Rating:

Rating Scale

1. Good
2. Satisfactory
3. Low Risk
4. High Risk

Signature and Seal of the Rating  
Agency

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**Schedule - C**

*[See Clause 7-A (1) (b) ]*

Forwarding Letter for Certified of rating

**TO WHOMSOEVER IT MAY CONCERN**

This is to certify that we have made an evaluation of M/S.....\* .....  
for the purpose of issuing a certificate and a rating to them in accordance with the provisions  
of the Kerosene (Restriction on Use and Fixation of Ceiling Price) Order, 1993.

We have obtained all the information and explanations which to the best of our



**The Kerosene (Restriction on Use and Fixation of Ceiling Price) Order, 1993**

knowledge and belief were necessary for the purpose of issuing this certificate. This certificate issued by us is as a result of our examination of the documents, records and assessment of the information obtained by us and the evaluation of capability, infrastructure, network and readiness, to carry out professed business, deliver goods and services promised by the parallel marketeer. We are satisfied that the information and particulars received and collected by us are sufficient enough to enable us to evaluate M/s. ....\*..... for providing the rating as prescribed.

M/s.....\*.....\*..... are awarded .....rating.

Salient facts about M/s..... are as follows:-

1. Total investment planned.
2. Total investment made up-to-date.
3. Promoter's equity.
4. Area of operation.
5. Proposed/likely date of commissioning.

\*\*Name of the parallel marketeer to be indicated.

(Signature and Seal of the Rating Agency)

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**Schedule - D**

*[See Clause 7-A(4) and (6) ]*

Pro forma of information to be submitted by Parallel Marketeer for Evaluation/ Rating by the Rating Agency

	PARAMETERS	DETAILS
	1. Market Standing of the Company	
	A. Constitution of the Company:	
	B. Registered Office.	
	C. Location and Address of Existing Business.	
	D. Name of Promotor/Directors/partners.	

	E. Background and full antecedents of Promotors/ Directors/partners.	
	F. Networth of Promotors/Directors/partners.	
	G. Current Activity.	
	H. Details of existing operations of the parallel marketeer and/or his group of companies.	
	I. Audited A/cs. For three years of the promoter firm and group concerns with details of promoters constitution.	
	J. Working capital requirement for new business pertaining to parellel Marketing with resume of proposed scheme.	
	K. Implementation record of typical projects already undertaken, in terms of cost, time, nature of projects and technology involved.	
	L. Business plans and projected cash flows.	
	M. Sourcing of funds for existing and proposed business.	
	N. Performance of Parallel Marketeer in his other group companies for last three year with income tax clearance certificate.	
2.	Marketing Plans for Kerosene :	
2.1	Infrastructure for Kerosene Sourcing/Handling:	
	A. Import Location Identified.	
	B. Proposed Size of import parcels.	
	C. Status of approvals (ports/statutory/State Government/ Chief Controller of Explosives/environment/milestone achieved with squared network/ local authorities).	
	D. Status of progress.	
	E. Details of Technological tie-ups, if any.	
	F. Business proposals/ Project Feasibility report financial details and financial risk analysis.	

**The Kerosene (Restriction on Use and Fixation of Ceiling Price) Order, 1993**

2.2	Commercial arrangements and/or consortium for Kerosene (if own facilities are not planned):	
	A. Any tie-up arrangements finished with importer.	
	B. The supporting agreements/documents for such tie-ups.	
	C. The quantum of product to be imported with minimum guarantee.	
	D. Details of storage and Handling of product at the import location/tie-up agreement.	
	E. Fall back arrangement to meet the shortfall in case in case the tie-up arrangement does not materialize.	
3.	Storage and Distribution arrangement for kerosene planned:	
	A. Details of Storage facilities of depots with their capacities.	
	B. Status of progress on items mentioned above.	
	C. Plant and Equipment/Technology details.	
	D. Details of manpower and the arrangement to handle the product.	
	E. Details of design and the standards to be followed for construction and operation of these facilities.	
	F. Status of approvals for the facilities.	
	G. Whether Kerosene Storage facility conforms to code regulations/conditions of storage licence.	
4.	Arrangement planned to reach the product to consumption Centres/Markets:	
	A. Details of distributor network planned/already appointed.	
	B. Details of the basis for distributor appointment.	
	C. Details of showrooms/sales room/ office and godown planned /existing along with status of approvals.	

	D. Details of manpower to be deployed at upcountry/near consumption centres for Kerosene.	
	E. Details of storage planned at upcountry/near the consumption centres for Kerosene.	
	F. Details of distribution arrangement between distributors godown and the customers.	
5.	Product Familiarity and Training:	
	A. Operational knowledge of product (Kerosene) and its handling.	
	B. The capability and preparedness to meet the safety requirement in Kerosene.	
	C. Plans for training the staff and the customers on safe handling of equipment/product.	
	D. Recruitment policy and standards for the staff.	
	E. Familiarity with Kerosene Control Orders, Explosive Rules and other applicable local Acts.	
6.	Marketing Discipline and Guidelines proposed to be adopted:	
	A. Code of conduct for distributors/transporters and delivery men.	
	B. System to monitor and control adulteration and unauthorized diversion of products.	
7.	Organisation in place/proposed for the parallel marketing of kerosene:	
	A. Details of Organisational Structure.	
	B. Level of managerial involvement of the promotor.	
	C. Source of financing the Kerosene parallel marketing including the infrastructure.	
	D. Any other relevant details which the parallel marketer would like to provide.	

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8.	Financial commitment -	
	A. Total estimated project cost.	
	B. Planned (phase-wise) resource mobilization.	
	C. Resources arranged and investment made as of date .....	
	D. Proof of A, B and C above.	
*Extra Sheets may be used if required.		

Signature.....

M/s.....

Date .....

(Parallel Marketter)

Address .....

.....

**\*Schedules inserted by GSR No. 509(E) dated 19.6.1995**

**THE KEROSENE (RESTRICTION ON USE AND FIXATION OF  
CEILING PRICE) (AMENDMENT) ORDER, 1995**

MINISTRY OF PETROLEUM AND NATURAL GAS

Dated June 19, 1995

**Notification**

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**G.S.R 509 (E)** - In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order to amend the Kerosene (Restriction on Use and Fixation of Ceiling Price ), Order, 1993, namely:

1. (1) This Order may be called the Kerosene (Restriction on Use and Fixation of Ceiling Price) (amendment) Order, 1995.
- (2) It shall come into force on the date of its publication in the Official Gazette.
2. In the Kerosene (Restriction on Use and Fixation of Ceiling Price) Order, 1993, -
  - (i) after clause 7 and the entries relating thereto, the following clause and the entries shall be inserted, namely :-

“7 A-Assessment and Certification/Rating of parallel marketers:-

- (1) (a) No parallel marketer, shall commence any activity such as import, transport, marketing distribution, sale or any activity incidental thereto, relating to the business of Kerosene without obtaining a rating certificate on the basis of evaluation and rating for his capability, infrastructure network and readiness to carry out professed business and deliver goods and services promised by and agency listed in Schedule:-A to this Order ;  
Provided that a parallel marketer who commences any such activity, before the commencement of this Order, shall within three months, get himself evaluated and rated by the said agency.
- (b) The rating certificate shall be issued in the format as prescribed in Schedule-B to this Order and as per the following letter given in Schedule-C.
- (c) The rating certificate shall,-
  - (i) be valid for a period of one year from the date of its issue, and
  - (ii) require renewal by the rating agency, annually.

## **The Kerosene (Restriction on Use and Fixation of Ceiling Price) (Amendment) Order, 1995**

- (2) Every parallel marketeer announcing details of his activity or inviting offers of any kind in the field of import, transport, marketing, distribution or sale of Kerosene, either in a newspaper, handout, pamphlet, leaflet or by any other means of communication or advertising shall indicate the rating awarded to him and prominently publish the rating certificate, as given by the ration agency.
  - (3) There shall be paid, in respect of every application, to a rating agency,-
    - (i) for the rating certificate awarded to the parallel marketeer, a fee at the rate of 0.05 percent of the project cost, subject to a minimum of rupees fifty thousand and maximum of rupees ten lakh, and
    - (ii) for the renewal of the rating certificate by the parallel marketeer, a fee of one tenth of that required to be paid for such a certificate.
  - (4) The agency listed for the purpose of evaluation shall on payment of the fee by the parallel marketeer, evaluate every parallel marketeer whose case is either referred to it or who approaches it, on the basis of, inter-alia, the parameters indicated and the information to be provided by such parallel marketeer in the Performa as given in schedule-D to this Order and such other information as called for by the rating agency.
  - (5) Every parallel marketeer shall file a certified true copy of the certificate of rating with the Ministry of Petroleum and Natural Gas, Oil Coordination Committee, Ministry of Food and Civil Supplies of the Central and the State Government and the Collector of the District in which he imports, transports markets, distributes or sells Kerosene. All letter-heads or communications of parallel marketeer shall have the following description of rating :
    - (i) Name of the rating agency,
    - (ii) Rating awarded to him, and
    - (iii) Date of Issue.
  - (6) No parallel marketeer shall either give incomplete, incorrect, misleading or vague information in the newspaper, handout, pamphlet, leaflet, advertisement etc. or submit such information to the rating agency”,
    - (ii) after clause 12 and the entries relating thereto, the following Schedules and the entries shall be added, namely :-
-

**SCHEDULE - A****[clause 7A (1) (a)]****Name and address of agencies for evaluation/rating of Parallel Marketeer**

SL. NO.	NAME	ADDRESS
1.	CRISIL (The Credit Rating Information Services of India Ltd.)	Nirlon House, 2nd floor 254 B, Annie Besant Road Worli, Bombay-400025
2.	CARE (Credit Analysis & Research Ltd.)	RBC, Mahindra Towers 5th floor, Road No.13 Worli Bombay-400018
3.	MDRA (Marketing & Development Research Associates)	Secular House, 9/1 Institutional Area, Opp. JNU, New Delhi-67
4.	ICRA (Investment Information Credit Rating Agency of India Ltd.)	Kailash Building, 4th floor, 26, Kasturba Gandhi Marg New Delhi-1

**SCHEDULE - B**

**(See clause 7A(1)(b) of Kerosene  
(Restriction on Use and Fixation of Ceiling Price) Order, 1993**

Rating Certificate for Parallel Marketeer

	Date of Issue
Name of the Firm/Company :	
Registered Office Address :	
Name of Promoter/Chairman/ Managing Director: Activities :	
Particulars of Bankers :	Overall Rating
Rating Scale -	
(1) Good :	
(2) Satisfactory :	
(3) Low Risk :	
(4) High Risk :	
	Signature and Seal of the Rating Agency



**The Kerosene (Restriction on Use and Fixation of Ceiling Price) (Amendment) Order, 1995**

**SCHEDULE - C**

**[See clause 7A(1)(B)]**

Forwarding Letter for Certificate of rating

TO WHOMSOEVER IT MAY CONCERN

This is to certify that we have made an evaluation of

M/s.....  
for the purpose of issuing a certificate and a rating to them in accordance with the provisions of the Kerosene (Restriction on Use and Fixation of Ceiling Price) Order, 1993.

We have obtained all the information and explanations which to the best of our knowledge and belief were necessary for the purpose of issuing this certificate. This certificate issued by us is as a result of our examination of the documents, records and assessment of the information obtained by us and the evaluation of capability, infrastructure, network and readiness, to carry out professed business, deliver goods and services promised by the parallel marketer. We are satisfied that the information and particulars received and collected by us are sufficient enough to enable us to evaluate M/s .....\*.....  
for providing the rating as prescribed.

M/s.....\*\*.....are awarded rating.

Salient facts about M/s.....are as follows:-

1. Total investment planned.
2. Total investment made upto date.
3. Promoter's equity.
4. Area of operation.
5. Proposed/likely date of commissioning.

\*\*Name of the Parallel marketer to be indicated.

(Signature and Seal of the Rating Agency)

C. R. VIPRADSAS  
Joint Secretary  
Food, Civil Supplies and  
Consumer Protection Department

## SCHEDULE - D

[See clause 7A(4)and (6)]

Proforma of information to be submitted by Parallel Marketeer for  
Evaluation/Rating by the Rating Agency

PARAMETERS	DETAILS
1. Market Standing of the Company <ul style="list-style-type: none"> <li>A. Constitution of the firm</li> <li>B. Registered Office</li> <li>C. Locations &amp; Addresses of Existing Businesses</li> <li>D. Names of Promoters/Directors/ Partners</li> <li>E. Background and full antedents of promoters/Directors/Partners</li> <li>F. Networth of Promoters/Directors/ Partners</li> <li>G. Current Activity</li> <li>H. Details of existing operations of the Parallel Marketeer and/or his group of companies.</li> <li>I. Audited A/Cs. for three years of the promoter firm and group concerns with details of promoters constitution</li> <li>J. Working capital requirement for new business pertaining to Parallel Marketing with resume of proposed scheme.</li> </ul>	

**The Kerosene (Restriction on Use and Fixation of Ceiling Price) (Amendment) Order, 1995**

PARAMETERS	DETAILS
<p>K. Implementation record of typical projects already undertaken, in terms of cost, time, nature of projects and technology involved.</p> <p>L. Business plans and projected cash flows</p> <p>M. Sourcing of funds for existing and proposed Business.</p> <p>N. Performance of Parallel Marketeer in his other group companies for last three years with income tax clearance certificate.</p>	
<p>2. Marketing Plans for Kerosene:</p>	
<p>2.1 Infrastructure for Kerosene sourcing/Handling:</p>	
<p>A. Import Locations Identified.</p>	
<p>B. Proposed size of import parcels.</p>	
<p>C. Status of approvals (ports/statutory/State Government/Chief Controller of Explosives environment/milestone achieved with squared network/local authorities).</p>	
<p>D. Status of Progress.</p>	
<p>E. Details of Technological tie ups, if any</p>	
<p>F. Business proposals/project Feasibility report financial details and financial risk analysis.</p>	
<p>2.2 Commercial arrangements and/or consortium for kerosene (if own facilities are not planned)</p>	
<p>A.. Any tie up arrangement finalised with importer</p>	
<p>B. The supporting agreements/documents for such tie up</p>	

PARAMETERS	DETAILS
<ul style="list-style-type: none"> <li>C. The quantum of product to be imported with minimum guarantee.</li> <li>D. Details of Storage &amp; Handling of product at the import location/tie up agreement.</li> <li>E. Fall back arrangement to meet the shortfall in case the tie ups arrangement does not materialise.</li> </ul>	
<p>3. Storage &amp; Distribution arrangement for kerosene planned:</p> <ul style="list-style-type: none"> <li>A. Details of Storage facilities of Depots with their capacities</li> <li>B. Status of progress on items mentioned above</li> <li>C. Plant &amp; Equipment/Technological details</li> <li>D. Details of manpower and the arrangement to handle the product</li> <li>E. Details of designs &amp; standards to be followed for construction &amp; operation of these facilities</li> <li>F. Status of approvals for the facilities</li> <li>G. Whether Kerosene storage facility conforms to code regulations/conditions of storage license</li> </ul>	
<p>4. Arrangements planned to reach the product to consumption Centers Markets:</p> <ul style="list-style-type: none"> <li>A. Details of distributor network planned/already appointed.</li> <li>B. Details of the basis for distributors appointment.</li> <li>C. Details of showroom / sales room / office &amp; godown planned/existing alongwith status of approvals.</li> </ul>	

**The Kerosene (Restriction on Use and Fixation of Ceiling Price) (Amendment) Order, 1995**

PARAMETERS	DETAILS
D. Details of manpower to be deployed at upcountry /near consumption centers for Kerosene.	
E. Details of storage planned at upcountry/near the consumption centre foKerosene.	
F. Details of Distribution arrangement between the distributors godown and the customers.	
5. Product Familiarity and Training:	
A. Operational knowledge of product (Kerosene) and its handling.	
B. The capability and preparedness to meet the safety requirement in Kerosene.	
C. Plans for training the staff and the customers on safe handling of equipment/product.	
D. Recruitment policy and standards for the staff.	
E. Familiarity with Kerosene Control Orders, Explosives Rules and other applicable local acts.	
6. Marketing Discipline & Guidelines proposed to be adopted	
A. Code of conduct for distributors/transporter and delivery men.	
B. System to monitor & control adulteration & unauthorised diversion of products.	
7. Organisation in place/proposed for the parallel marketing of Kerosene:	
A. Details of Organisational Structure.	
B. Level of managerial involvement of the promoter.	
C. Source of financing the Kerosene parallel marketing including the infrastructure.	

PARAMETERS	DETAILS
<p>D. Any other relevant details which the parallel marketeer would like to provide.</p> <p>8. Financial commitment -</p> <p>A. Total estimated project cost.</p> <p>B. Planned (phase-wise) resource mobilization.</p> <p>C. Resources arranged and investment made as of date...</p> <p>D. Proof of A,B &amp; C above .</p>	

\*Extra Sheets may be used if required.

Date \_\_\_\_\_

Signature \_\_\_\_\_

M/s \_\_\_\_\_

(Parallel Marketeer)

Address \_\_\_\_\_

\_\_\_\_\_

Note :- The principal Order was published in the Gazette of India vide number GSR 584(E) dated the 2nd September, 1993.  
(File No. P-45011/2/95-Mkt)

DEVIDAYAL,  
Joint Secretary

By Order and in the name of the Governor of Maharashtra.

C. R. VIPRADSAS  
Joint Secretary  
Food, Civil Supplies and  
Consumer Protection Department

**The Kerosene (Restriction on Use and Fixation of Ceiling Price) (Amendment) Order, 1995**

**SCHEDULE - E**

**[See clause 10A(1)(B)]**

Forwarding Letter for Certificate of rating

TO WHOMSOEVER IT MAY CONCERN

This is to certify that we have made an evaluation of M/s \_\_\_\_\_

\_\_\_\_\_\*\*\_\_\_\_\_ for the purpose of issuing a certificate and a rating to them in accordance with the provisions of the Kerosene (Restriction on Use and Fixation of Ceiling Price) Order, 1993.

We have obtained all the information and explanations which to the best of our knowledge and belief were necessary for the purpose of issuing this certificate. This certificate issued by us is as a result of our examination of the documents, records and assessment of the information obtained by us and the evaluation of capability, infrastructure, network and readiness, to carry out professed business, deliver goods and services promised by the parallel marketeer. We are satisfied that the information and particulars received and collected by us are sufficient enough to enable us to evaluate

M/s \_\_\_\_\_\*\*\_\_\_\_\_ for providing the rating as prescribed.

M/s \_\_\_\_\_\*\*\_\_\_\_\_ are awarded \_\_\_\_\_ rating.

Salient facts about M/s \_\_\_\_\_ are as follows:-

1. Total investment planned.
2. Total investment made upto date.
3. Promoter's equity.
4. Proposed/likely date of commissioning.

\*\*Name of the Parallel marketeer to be indicated. (Signature and Seal of the Rating Agency)

## SCHEDULE - F

[See clause 10A(4) and (6)]

Proforma of information to be submitted by Parallel Marketeer for .....  
Evaluation/Rating by the Rating Agency

PARAMETERS	DETAILS
1. Market Standing of the Company	
A. Constitution of the firm	
B. Registered Office	
C. Locations & Addresses of Existing Businesses	
D. Names of Promoters/Directors/Partners	
E. Background and full antecedents of promoters/ Directors/Partners	
F. Networth of Prooters/Directors/Partners	
G. Current Activity	
H. Details of existing operations of the Parallel Marketeer and/or his group of companies.	
I. Audited A/Cs. for three years of the promoter firm and group concerns with details of promoters constitution	
J. Working capital requirement for new business pertaining to Parallel Marketing with resume of proposed scheme.	
K. Implementation record of typical projects already undertaken, in terms of cost, time, nature of projects and technology involved.	
L. Business plans and projected cash flows	
M. Sourcing of funds for existing and proposed Business.	
N. Performance of Parallel Marketeer in his other group companies for last three years with income tax clearance certificate.	



## The Kerosene (Restriction on Use and Fixation of Ceiling Price) (Amendment) Order, 1995

PARAMETERS	DETAILS
2. Marketing Plans for Liquefied Petroleum Gas :	
2.1 Infrastructure for Liquefied Petroleum Gas Sourcing/ Handling:	
A.	Import Locations Identified.
B.	Proposed size of import parcels.
C.	Status of approvals (ports/statutory/State Government/Chief Controller of Explosives environment/milestone achieved with squared network/local authorities).
D.	Status of Progress.
E.	Details of Technological tie ups, if any
F.	Business proposals/project Feasibility report financial details and financial risk analysis.
2.2 Commercial arrangements and/or consortium for Liquefied Petroleum Gas (if own facilities are not planned):	
A.	Any tie up arrangement finalised with importer
B.	The supporting agreements/documents for such tie up
C.	The quantum of product to be imported with minimum guarantee.
D.	Details of Storage & Handling of product at the import location/tie up agreement.
E.	Fall back arrangement to meet the shortfall in case the tie up arrangement does not materialise.
3. Storage & Distribution arrangement for Liquefied Petroleum Gas planned:	
A.	Details of Storage facilities of Depots /Bottling plants with their capacities
B.	Status of progress on items mentioned above

PARAMETERS	DETAILS
C.	Plant & Equipment/Technological details
D.	Details of manpower and the arrangement to handle the product
E.	Details of designs & standards to be followed for construction & operation of these facilities
F.	Status of approvals for the facilities.
G.	Details of arrangements for procurement of Cylinders Valves/Regulators
H.	Whether the bottling plants are as per safety standards Oil Industry Safety Directorate 144/169
4.	Arrangements planned to reach the product to consumption Centers Markets:
A.	Details of distributor network planned/already appointed.
B.	Details of the basis for distributors appointment.
C.	Details of showroom/sales room/office & godown planned/existing alongwith status of approvals.
D.	Details of Distribution arrangement between the distributors godown and the customers.
5.	Product Familiarity and Training:
A.	Operational knowledge of product (Liquefied Petroleum Gas) and its handling
B.	The capability and preparedness to meet the safety requirement in Liquefied Petroleum Gas.
C.	Plans for training the staff and the customers on safe handling of equipment/product.
D.	Recruitment policy and standards for the staff.
E.	Familiarity with Gas Control Orders, Explosives Rules and other applicable local area.
6.	Marketing Discipline & Guidelines proposed to be adopted:

## The Kerosene (Restriction on Use and Fixation of Ceiling Price) (Amendment) Order, 1995

PARAMETERS	DETAILS
A.	Code of conduct for distributors/transporter and delivery men.
B.	System to monitor & control adulteration & unauthorised diversion of products.
7.	Organisation in place/proposed for the parallel marketing of Liquefied Petroleum Gas:
A.	Details of Organisational Structure.
B.	Level of managerial involvement of the promoter.
C.	Source of financing the Liquefied Petroleum Gas parallel marketing including the infrastructure.
D.	Any other relevant details which the parallel marketer would like to provide.
8.	Financial commitment -
A.	Total estimated project cost.
B.	Planned (phase-wise) resource mobilization.
C.	Resources arranged and investment made as of date...
D.	Proof of A, B & C above.

**\*Extra Sheets may be used if required.**

Date \_\_\_\_\_

Signature M/s \_\_\_\_\_

(Parallel Marketeer)

Address \_\_\_\_\_

\_\_\_\_\_

Note:- The principal Order was published in the Gazette of India vide number GSR 529(E) dated the 3-8-1993 and subsequently amended vide number GSR (6(E) dated 06-01-1994.

(File No. P-45011/2/95-Mkt)

DEVIDAYAL,  
Joint Secretary

By Order and in the name of the Governor of Maharashtra.

**THE KEROSENE (RESTRICTION ON USE AND FIXATION OF  
CEILING PRICE) (AMENDMENT) ORDER, 1998**

MINISTRY OF PETROLEUM AND NATURAL GAS

Dated October 21, 1998

**Notification**

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**G.S.R.638 (E)** - In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order to amend the Kerosene (Restriction on Use and Fixation of Ceiling Price) Order 1993, namely

1. (a) This order may be called the Kerosene (Restriction on Use and fixation of Ceiling Price) (Amendment) Order 1998.

(b) It shall come into force on the date of its publication in the Official Gazette.

2. In the Kerosene (Restriction on Use and Fixation of Ceiling Price ) Order 1993,

(a) in clause 2, in item (h), for the word “importing” the words “importing, storing” shall be substituted.

(b) In clause 2, in item (I), for the word “imports” the words “imports, stores” shall be substituted.

(c) After clause 3, the following clauses shall be inserted, namely, -

“3A Restriction on sale and use of Kerosene imported under Parallel Marketing System :-

No person shall sell or use Kerosene imported under the parallel marketing system as a fuel or as additive to the fuel in a motor vehicle.

“3B Restriction on sale of Kerosene by persons not authorised :-

No person other than the dealer or government Oil Company or parallel marketer shall sell Kerosene to any person.”

(d) (i) In clause 7, - after item ©, the following items shall be inserted, namely:-

(d) The Parallel Marketeer shall file End Use Certificates from Industrial consumers to whom he sells the Kerosene and also furnish customer-wise sales to the State Civil Supplies Authorities by whatever name called, on a quarterly basis”.

## **The Kerosene (Restriction on Use and Fixation of Ceiling Price) (Amendment) Order, 1998**

- (e) The Parallel Marketeer shall ensure that quality checks are carried out to ensure that Kerosene meets Bureau of Indian Standards Specification No.IS-1459 in all respects before the imported Kerosene is discharged into the storage infrastructure at the port or sold to any person”.
- (ii) In item (a) for the word “import”, the words “improts, store” shall be substituted,
- (e) In clause 7 A,-
  - (i) in sub clause (I), in item (a), for the word, “import”, the words “import, store” shall be substituted.
  - (ii) In sub clause (I), in item (a), the provisio shall be omitted;
- (f) for clause 11 the following clause shall be substituted, namely :-

### **11. Power to exempt :-**

“The Central Government, if it considers necessary in public interest by notification in the Official Gazette, exempt any person or class of persons from all or any of the provisions of this order, subject to such conditions, if any, as may be specified in that notification.”

(File No.P-11013/3/98-Dist.)

DEVIDAYAL,  
Addl. Secy.

FOOT NOTE :- The Principal Order was published in the Gazette of India vide No.GSR 584(E) dated the 2nd September, 1993 and subsequently amended vide -

1. **No.GSR 509 (E), dated 19th June, 1995**
2. **No.GSR 126 (E), dated 12th March, 1996.**

Ministry of Petroleum and Natural Gas (Government of India)

**THE KEROSENE (RESTRICTION ON USE AND FIXATION OF  
CEILING PRICE) (AMENDMENT) ORDER, 2003**

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 5th December 2003

**Notification**

---

**G.S.R 931(E)** - In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order to amend the Kerosene (Restriction on Use and Fixation of Ceiling Price ), Order, 1993 namely :-

1. (1) This order may be called the Kerosene (Restriction on Use and Fixation of Ceiling Price) (Amendment) Order, 2003.  
(2) It shall come into force on the date of its publication in the Official Gazette.
2. In the Kerosene (Restriction on Use and Fixation of Ceiling Price) Order, 1993, after clause 3B, the following clause shall be inserted, namely :-  
“3C Restriction on sale and use of Kerosene, indigenously produced or imported and marketed by Indian Oil Corporation Limited, Hindustan Petroleum Corporation Limited, Bharat Petroleum Corporation Limited and IBP Co. Limited :- No person shall sell or use kerosene marketed by Indian Oil Corporation, Hindustan Petroleum Corporation Limited, Bharat Petroleum Corporation Limited and IBP Co. Limited whether indigenously produced or imported, as a fuel or as additive to the fuel in a motor vehicle.”
3. In Clause 7, after item(s), the following shall be inserted, namely:-
  - (f) Indian Oil Corporation Limited, Hindustan Petroleum Corporation Limited, | Bharat Petroleum Corporation Limited and IBP Co. Limited shall file end-use certificate from industrial consumers to whom they sell the Kerosene and also furnish customer-wise sales to the State Civil Supplies Authorities by whatever name called, on the monthly basis;
  - (g) Indian Oil Corporation Limited, Hindustan Petroleum Corporation Limited, Bharat Petroleum Corporation Limited and IBP Co. Limited shall ensure that quality checks are carried out to ensure that kerosene meets Bureau of Indian Standards specification No. IS-1459 in all respects before the indigenously produced kerosene is sold and in case of imported kerosene before the imported kerosene is discharged into the storage infrastructure at the Port o sold."

[F.No. P-21025/15/2003-Dist] A.K. SRIVASTAVA, Jt. Secy.

## **The Kerosene (Restriction on Use and Fixation of Ceiling Price) (Amendment) Order, 2003**

Foot Note :- The principal Order was published vide number GSR 584(E), dated the 2nd September, 1993 and subsequently amended vide :-

1. G.S.R 509(E), dated 19th June, 1995
2. G.S.R 126(E), dated 8th March, 1996
3. G.S.R 638(E), dated 21st October, 1998
4. G.S.R 105(E), dated 22nd February, 2001

### **MINISTRY OF PETROLEUM AND NATURAL GAS NOTIFICATION**

**New Delhi, the 5th December 2003**

**S.O 1397(E).** - In pursuance of clause 11 of the Kerosene (Restriction on Use and Fixation of Ceiling Price) Order, 1993, the Central Government hereby exempt the Government companies, namely, Indian Oil Corporation Limited, Core 2, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi - 110 003, Hindustan Petroleum Corporation Limited, Petroleum House, 17 Jamshedji Tata Road, Post Box No. 11041, Mumbai - 400 020, Bharat Petroleum Corporation Limited, Bharat Bhavan, 4 and 6 Currimbhoy Road, Ballard Estate, Mumbai - 400 001 and IBP Co. Limited, IBP House, 34-A, Nirmal Chandra Street, Kolkata - 700 013 from the provisions of clauses 3A, 7 and 7A of the said Control Order.

[F.No. P-21025/15/2003-Dist]

A.K. SRIVASTAVA, Jt. Secy.

**THE MAHARASHTRA FREESALE KEROSENE DEALERS  
& RESELLERS (LICENSING) ORDER, 2005.**

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**Food, Civil Supplies And Consumer Protection Department**

Mantralaya, Mumbai 400 032,

**Dated the 19th May 2005**

**Order**

Essential Commodities Act, 1955.

**No. KER. 1004/588/CR-3468/CS-27.** — In exercise of the powers conferred by sub-section (1) of Section 3 of The Essential Commodities Act, 1955, read with the order of the Government of India, S.O. 681(E), dated 30th November 1974 and of all other powers enabling in this behalf, the Government of Maharashtra hereby makes the following order, namely:-

**1. Short title and extent.**

- (1) This order may be called 'The Maharashtra Freesale Kerosene Dealers and Resellers (Licensing) Order, 2005.'
- (2) It extends to the whole of the State of Maharashtra.

**2. Definitions.**

In this order, unless the context otherwise requires,-

- (a) **“Automobile”**, means any vehicle registered with Road Transport Authority by any person, where fuel certified for use in such automobile is Motor Spirit, High Speed Diesel, Liquefied Petroleum Gas or Compressed Natural Gas;
- (b) **“Collector”** means the Collector of the district and includes the Additional Collector, the District Supply Officer; The Assistant District Supply Officer, Foodgrains Distribution Officer in the areas mentioned in Schedule-I of the Maharashtra Scheduled Foodgrains (Regulation of Distribution) Order, 1966, and such other Officer or Officers as may be authorized by the Collector in this behalf;
- (c) **“Commissioner”** means a Commissioner for a Division appointed under the Maharashtra Land Revenue Code; 1966 and includes an Additional. Commissioner and Deputy Commissioner (Supply);



## The Maharashtra Freesale Kerosene Dealers and Resellers (Licensing) Order, 2005

- (d) **“Consumer”** means a person who is engaged in actual use of freesale kerosene;
- (e) **“Controller of Rationing”** means a Controller of Rationing appointed by the Government and includes a Deputy or Assistant Controller of Rationing;
- (f) **“Dealer”** means a person, who has been appointed as a wholesale dealer for the sale of freesale kerosene by any oil company which has been exempted by the Central Government from the provision of clause 3 B of the Kerosene (Restriction on use and fixation of selling price) order, 1993;
- (g) **“Form”** means the Form appended to this Order;
- (h) **“Freesale kerosene”** shall have the, same meaning assigned to “kerosene” under this order, but it shall not include the kerosene meant for distribution under the Public Distribution system;
- (i) **“Government”** means the State Government of Maharashtra;
- (j) **“Kerosene”** shall have the same meaning assigned to it in item No.7 of the first schedule to the Central Excise and Salt Act, 1944 (I of 1944) and shall not include Aviation Turbine Fuel but includes kerosene as defined in the Government of India; Ministry of Petroleum and Natural Gas Notification G.S.R. 584(E), dated the 2nd September 1993;
- (k) **“License”** means a license issued under this Order;.
- (l) **“Licensee”** means a person holding a license issued under this order;
- (m) **“Licensing Authority”** means the Authority appointed by the Government under the provisions of this order and for the Mumbai-Thane Rationing Area; the Controller of Rationing, Mumbai and Deputy Controller of Rationing Mumbai, and elsewhere, the Collector, Additional Collector, Foodgrains Distribution Officer, in the areas mentioned in Schedule-1 of the Maharashtra Scheduled Foodgrains (Regulation of Distribution) Order, 1966 and District Supply Officer;
- (n) **“Reseller”** means a person who acquires freesale kerosene from a dealer for reselling and has procured a license under this order for the acquisition, sale and storage for sale of freesale kerosene;
- (o) **“Storage Premises”** means the premises approved or licensed by the Chief Controller of Explosives appointed under the Indian Explosives Act, 1884;

Words and expressions used in this order but not defined shall have the meanings respectively assigned to them in the Kerosene (Restriction on use and Fixation of selling price) Order, 1993 or in the Essential Commodities Act, 1955.

**3. Prohibition against carrying on business of acquisition, sale, storage for sale without license.**

- (i) No person shall either 'acquire, sale, or store for sale freesale kerosene, except under and in accordance with the terms and conditions of a license issued in this behalf by the licensing Authority.
- (ii) No person shall either use or help in any manner, the use of freesale kerosene. : except Motor Spirit, High Speed Diesel and or any other fuel permitted by the Central Government, in any automobile.
- (iii) No person shall 'either use or help in any manner adulterating of Motor Spirit and High Speed Diesel with freesale kerosene.
- (iv) Every person whosoever is engaged in acquisition, sale, storage for sale of freesale kerosene for any purpose,. whatsoever, shall file end-use certificates and also furnish customer-wise sales as directed by the Government or licensing authority, to the Licensing Authority, on a quarterly basis.

**4. Application for License.**

An application for grant of a license under this order shall be made to the Licensing Authority in Form-I in case of dealer and in Form-II in case of reseller. Every such application shall be accompanied with a fee of Rs. 5,000 for dealer and Rs. 1,000 for reseller:

Provided that, any person desiring to acquire, sale, store for sale, freesale kerosene after the Commencement of this order, shall apply for and obtain a license under this order, from the Licensing Authority:

Provided further that, any person, who immediately, before the commencement of this order, doing the business of acquiring, selling, storing for selling freesale kerosene, shall apply for the issue of license under this order within a period of thirty days from the date of commencement of this order.

## The Maharashtra Freesale Kerosene Dealers and Resellers (Licensing) Order, 2005

### 5. Security Deposit

Every person applying for a license shall, before such license is issued to him, deposit with the Licensing Authority, the following sum in cash as security deposit for the due performance of the terms and conditions of the license to be issued to him, namely:-

(i)	For Dealers	Rs. 25,000
(ii)	For Resellers	Rs. 5,000

### 6. Issue of License.

- (1) The Licensing Authority shall, on receipt of the duly completed application for a license in the prescribed form and on the payment of prescribed license fee and security deposit, and after making such inquiry as it may deem fit and issue the license within a period of 45 days, from the date of application.
- (2) License issued under this order to the person acquiring, selling storing for sale, shall be in form - IA in case of dealer and in form-IIA in case of reseller:

Provided that, the licenses to be issued in each area which may be a district, a taluka or otherwise, shall be restricted upto a Mumbai and Deputy Controller of Rationing Mumbai, and elsewhere, the Collector, Additional Collector, Foodgrains Distribution Officer, in the areas mentioned in Schedule-1 of the Maharashtra Scheduled Foodgrains (Regulation of Distribution) Order, 1966 and District Supply Officer; 470 The Maharashtra Free Sale Kerosene Dealers' & Resellers (Licensing) Order, 2005. maximum number which shall be determined by the Government independently along with the priority for various categories and shall be revised by the Government from time to time.

### 7. Period of License.

- (1) Every License issued under this order shall be valid for a period of one year from the date of issue of the license and may be renewed for a period of two years, at a time,;

### 8. Renewal of license.

- (1) Every licensee, who desires to get his license renewed, shall apply for the renewal thereof in Form-I or Form- II as the. may be, along with the annual renewal fee which shall equivalent to the license fee, not less than 20 days before the date of its expiry.

- (2) A License may be renewed, at a time for a period of two years and shall be in Form-IA Or Form-IIA as the case may be.
- (3) No application for renewal of a license made after the expiry of the period mentioned in 'the clause (I) above, shall be entertained by the Licensing Authority unless the said Authority is satisfied that ilk; application for the renewal could not be made in time for valid and sufficient reasons; and late fee of Rupees 10 per day shall be charged for delayed period.

However, No application for the renewal of a. license shall be entertained after 30 days from the date of expiry of the validity of license for what so ever reasons;

- (4) Where it is found that a person is carrying on his business of acquiring, selling, storing for sale freesale kerosene, without applying for renewal of his license, within the prescribed time limit, after the expiry of its validity, then subject to the provision of sub-clause (3) a fine of Rs. 50 per day in case of reseller and Rs. 200 per day in case of dealer, shall be levied and recovered from him.

Provided that, if a person is found to be carrying on his business of acquisition, sale, storage for sale of freesale kerosene, without applying for renewal of his license after the expiry of the time limit after the expiry of its validity, the whole amount of security deposit shall stand for feited to the Government:

Provided further that; licensee shall not be liable for fine,-

- (i) If he has already applied for the renewal of a license within the period prescribed in sub-clause (I) and is awaiting renewal of license by the licensing Authority:
- (ii) if his late application is accepted by the Licensing Authority after payment of late-fee and is awaiting renewal of his license under sub-clause (3);

**9. Replacement of defaced, lost or destroyed licenses.**

If a license issued under this order is defaced, lost or destroyed, then an application in Form I or Form II as the case may be, along with such information, as may be required by the licensing authority shall be made to that Authority for obtaining a duplicate license and licensing Authority may, after charging a fee of rupees one hundred, after making such inquiry as he may think fit, issue a duplicate license.

## **The Maharashtra Freesale Kerosene Dealers and Resellers (Licensing) Order, 2005**

### **10. Power to refuse license.**

The Licensing Authority may, after giving the applicant an opportunity for stating his case and for reasons to be recorded in writing, refuse to grant or renew a license.

### **11. Provision for cancellation or suspension of license.**

On contravention of any of the terms or conditions of the license or non-compliance of any of the directions or instructions issued by the Government or Licensing Authority, by a licensee or his agent or servant or any other person acting on his behalf, the Licensing Authority may, by order in writing, without prejudice to any other action that may be taken against the licensee, suspend or cancel the license.

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

### **12. Forfeiture of security deposit.**

- (1) 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 license or has not complied with any of the directions or instructions issued by the Government or Licensing Authority and that a forfeiture of the security deposit is called for, he may, after giving the licensee a reasonable opportunity for stating his case against the forfeiture by order, forfeit the whole or any part of the security deposit deposited by him and communicate a copy of the Order to the licensee;

Provided that, where a cancellation of the license is duly ordered by the licensing authority, the order of cancellation shall also be accompanied by an order for forfeiting the entire deposit.

- (2) The Licensee shall, if the amount of security deposit at any time, falls short of the amount specified in clause 5, forthwith deposit further security to make up that amount, on being required by the licensing authority to do so.
- (3) Where the licensee surrenders his license to the Licensing Authority, before the expiry of or within 30 days from the date of expiry of the license, the Licensing Authority shall return to the licensee the whole of the amount of security deposit or, such part thereof that has not been forfeited.

**13. Penalty.**

Without prejudice to the provisions of clause 11 and clause 12, if the Licensing Authority is satisfied that any person, a licensee or otherwise has contravened any of the terms and conditions of this order or has not complied any of the directions or instructions issued by the Government or Licensing Authority, the concerned person after being given a reasonable opportunity for stating his case, shall be charged a fine up to 100% of the value of the seizure or that of the products/items as regards to which the violation has taken place.

**14. Maintenance of register of accounts.**

Every licensee shall maintain register of accounts laid down in terms and conditions of his license and show therein such other particulars of the daily accounts, as the Government or the Licensing Authority may order from time to time.

**15. Filling of end use Certificate.**

- (1) Every person whosoever is engaged in acquisition, sale, storage for sale of freesale kerosene, shall fine end-use certificate from consumers to whom he sells and also furnish customer-wise sales to the Licensing Authority, on a quarterly basis.
- (2) Any person who contravenes the provisions of sub-clause (1) above, shall be liable for action under clause 11, 12, 13 as may be deemed fit. Such action shall be without prejudice to any other action that may be taken against him under section 7 of Essential Commodities Act, 1955.

**16. Power of entry, search and seizure.**

- (1) The controller of Rationing, Deputy Controller of Rationing, Assistant Controller of Rationing, Divisional Commissioner, Deputy Commissioner (Supply) District Collectors, Additional Collectors, District Supply Officers, Sub-Divisional Officer, Assistant District Supply Officers, Tahsildar and Food Grains Distribution Officers, Assistant Food Grains Distribution Officer, within their respective jurisdiction with a view to secure compliance of this order or to satisfy himself that this order has not been contravened and with such assistance, if required, as he thinks fit,-
  - (a) enter, search any place or premises, being made use of or suspected to be

## **The Maharashtra Freesale Kerosene Dealers and Resellers (Licensing) Order, 2005**

made use of in the business of acquiring, selling storing for sale freesale kerosene, vehicle or any other person who is an employee or agent of such person acquiring, selling, storing for sale freesale kerosene with respect to which there is reason to believe that the provisions of this order have been or are being or are about to be contravened;

- (b) stop and search, any person or vehicle or receptacle used or intended to be used for the movement of the freesale kerosene or using or receiving the freesale kerosene in contravention of this Order;
  - (c) inspect any book of accounts or documents or any stock of the freesale kerosene used or suspected to be used in acquiring selling, storing for sale freesale kerosene, or any other person suspected to be an employee or agent of the person acquiring selling, storing for sale freesale kerosene;
  - (d) take samples of the freesale kerosene and 1 or seize any of the stock of the freesale kerosene which the Officer has reason to believe has been or is being or is about to be used in contravention of this order and hereafter take or authorize the taking of all measures necessary for securing the production of stocks-items so seized before the Collector having jurisdiction under the provision of the Essential Commodities Act. 1955, and for their safe custody pending such production;
  - (e) While exercising the power of seizure provided under sub clause (d) of this clause, the authorized officer shall record in writing the reasons for doing so, a copy of which shall be given to the person acquiring, selling, storing for sale freesale kerosene:
- (2) The provisions of section 100 of the Code of Criminal Procedure 1973, relating to search and seizure shall, so far as may be, apply to searches and seizure under this order.

### **17. Sampling of Product.**

- (1) The Officer authorized in clause 16, of this Order shall draw the sample the tank, nozzle, vehicle or receptacle as the case may be to check whether the provisions of this Order have been or are being to be contravened.
- (2) The officer authorized in clause 16 shall take, sign and seal three samples of 750 ml. to 1 litre each of the product, one to be given to be concerned person under acknowledgement with instructions to preserve the sample in his safe custody

till the testing/ investigations are completed, the second sample to be kept with the inspecting authority and the third to be used for laboratory analysis.

- (3) Samples shall be taken in clean glass or aluminum containers. Plastic containers shall not be used for drawing samples.
- (4) The sample label should be jointly signed by the officer who has drawn the sample and the concerned person or his representative and the label shall contain information as regards the product, place of seizure, quantity of sample, date, name and signature of the concerned person or his representative.
- (5) The authorized officer shall send the third sample of the product taken under sub-clause (2), as far as possible immediately within 10 days, to any of the laboratories specified in schedule III of the Motor spirit and High speed Diesel (Regulation of Supply and Distribution and Prevention of Malpractices) Order, 1998 for the purpose of analysis of samples to check the product.

**18. Power to grant exemptions.**

The Government may, if it is necessary in the public interest to do so, by order, exempt any person or class of persons from the operation of all or any of the provisions of this order for such period and subject to such conditions (if any) as may be specified, and may at any time suspended or cancel such exemption.

**19. Appeal.**

- (1) Any person aggrieved by any order of the licensing authority refusing to issue or renew a license, or cancelling or suspending a license. or forfeiting the security deposit deposited by him under the provisions .of this order May appeal in the Mumbai-Thane to the Government and elseWhere to the Commissioner of the Division.

- (2) Every such appeal shall be made within thirty days from the date of receipt of the order passed against by the person appealing:

Provided that, the appellate authority may admit an appeal after the expiry of the said period if the appellate satisfies the appellate authority that he had sufficient and reasonable cause for not preferring the appeal within the said period.

- (3) No order shall be made by the appellate authority under this clause unless the aggrieved person has been given a reasonable opportunity of stating his case.



## **The Maharashtra Freesale Kerosene Dealers and Resellers (Licensing) Order, 2005**

- (4) Pending the disposal of the appeal, the appellate authority may direct that the order of the licensing authority shall not take effect until the appeal is disposed off.

### **20. Revision.**

- (1) Government may, on an application made or *sue motu* at any time before the expiry of two years from the date of any order passed by the licensing authority or any other competent authority under this Order and in which no appeal has been filed or an appeal, if any, is filed and disposed of, call for the records of the proceedings underlying such order for the purpose of satisfying itself as to the legality or propriety of such order or as to the regularity of such proceedings and if it shall appear to the State Government that such order or proceedings should be modified, annulled or confirmed, it may pass such order as it deems fit:

Provided that, the Government may, at any time during the pendency of the enquiry or proceeding may call for and examine the records of the records of any such enquiry or proceeding and pass such order thereon as it thinks fit:

Provided further that, no order shall be made under this clause unless the person who is likely to be aggrieved thereby has been given a reasonable opportunity of pleading his case:

Provided further that, before rejecting any application for the revision of any such order, the Government shall record reasons for such rejection.

- (2) Pending the disposal of the revision proceedings under this clause, the Government may direct that the order passed by the licensing authority or other competent authority shall not take effect until an order is passed by it.

### **21. Provisions of the order to prevail over previous orders of the Government.**

The Provisions of this order shall have effect notwithstanding anything to the contrary contained in any order made by the Government or any officer of the Government before the commencement of this order.

### **22. Savings.**

Anything done or any action taken under any previous orders or any provisions of such orders, shall in so far as it is not inconsistent with the provisions of this order, be deemed to have been done or taken under the corresponding provisions of this order.

## FORM I

(Application form for the license / renewal of license for the Acquisition,  
Sale and Storage for sale of Freesale Kerosene as a Dealer)

(See clause 2(g),3(1),4,8(1),& 9 of the order)

(Affix a recent passport size photograph here)
------------------------------------------------------------

(1) Name of the Applicant : \_\_\_\_\_

(2) Type of Firm : \_\_\_\_\_

(3) Details of Partners/Proprietors/Directors –

Sr. No.	Name	Office		Residence	
		Address	Telephone No.	Address	Telephone No.
1					
2					

(4) Address of Registered office of the firm :

(5) Shop and Establishment registration:

Registration No.	Date of Registration	Validity Date	Issuing authority

(6) State Sale Tax registration:

Registration No.	Date of Registration	Validity Date	Issuing authority

(7) Central Sales Tax registration:

Registration No.	Date of Registration	Validity Date	Issuing authority

**The Maharashtra Freesale Kerosene Dealers and Resellers (Licensing) Order, 2005**

(8) Explosives license details:

License No.	Date of issue	Validity Date	Issuing authority	Licensed Capacity (KL)

(9) Storage Details:

Location	Capacity (KL)	Whether assigned for any other license if yes details.

(10) Monthly capacity for which license is required:

(11) Details of other licenses, dealerships/agencies/distributorships of any petroleum product held by the applicant or family members.

(12) Details of action taken against applicant by Oil company and or other authority of State or Central Government.

(13) Details of cases of Violation against the applicant/directors/partners/proprietors for any provisions related to Essential commodities in the Past

(14) Any other relevant information the applicant wishes to declare:

I hereby declare that I have carefully read all the terms and conditions for this license and shall abide by all the prevailing as well as relevant orders and instructions issued from time by any competent authority in this regard. I also declare that all the information furnished is correct.

Date:

Place:

(Signature of the Applicant)

## FORM II

(Application form for the license / renewal of license for the Acquisition,  
Sale and Storage for sale of Freesale Kerosene as a reseller)

(See clause 2(g),3(1),4,8(1), & 9 of the order)

(Affix a recent passport size photograph here)
------------------------------------------------------------

(1) Name of the Applicant : \_\_\_\_\_

(2) Type of Firm : \_\_\_\_\_

(3) Details of Partners/Proprietors/Directors –

Sr. No.	Name	Office		Residence	
		Address	Telephone No.	Address	Telephone No.
1					
2					

(4) Address of Registered office of the firm :

(5) Shop and Establishment registration:

Registration No.	Date of Registration	Validity Date	Issuing authority

(6) State Sale Tax registration:

Registration No.	Date of Registration	Validity Date	Issuing authority

(7) Central Sales Tax registration:

Registration No.	Date of Registration	Validity Date	Issuing authority

**The Maharashtra Freesale Kerosene Dealers and Resellers (Licensing) Order, 2005**

(8) Explosives license details:

License No.	Date of issue	Validity Date	Issuing authority	Licensed Capacity (KL)

(9) Storage Details:

Location	Capacity (KL)	Whether assigned for any other license if yes details.

(10) Monthly capacity for which license is required: \_\_\_\_\_ KL

(11) Details of other licenses, dealerships/agencies/distributorships of any petroleum product held by the applicant or family members.

(12) Details of action taken against applicant by Oil company and or other authority of State or Central Government.

(13) Details of cases of Violation of any provisions related to Essential commodities in the Past \_\_\_\_\_

(14) Any other relevant information the applicant wishes to declare:

I hereby declare that I have carefully read all the terms and conditions for this license and shall abide by all the prevailing as well as relevant orders and instructions issued from time by any competent authority in this regard. I also declare that all the information furnished is correct.

Date:

Place:

(Signature of the Applicant)

**FORM I A**

(Format for the license for the Acquisition, Sale and Storage for sale of Freesale kerosene as a Dealer)

(See clause 2(k), 3(1) & 8 (2) of the order) passport size

(Affix a recent passport size photograph here)
------------------------------------------------

(1) License No. \_\_\_\_\_

Subject to the provisions of the Maharashtra Freesale Kerosene Dealers and Resellers (Licensing) order, 2005 and to the terms and conditions of this license and all other instructions and orders issued by the Government or the Licensing Authority from time to time in this behalf ----- is hereby authorized to Acquire, sale, store for sale freesale kerosene.

(2) Name of the Licensee

(3) Type of firm

(4) Details of Partners/Proprietors/Directors

Sr. No.	Name	Office		Residence	
		Address	Telephone No.	Address	Telephone No.
1					
2					

(5) Address of Registered office of the firm :

(6) Name of the Oil Company :

(7) Shop and Establishment registration:

Registration No.	Date of Registration	Validity Date	Issuing authority

(8) State Sale Tax registration:

Registration No.	Date of Registration	Validity Date	Issuing authority

(9) Central Sales Tax registration:

Registration No.	Date of Registration	Validity Date	Issuing authority

**The Maharashtra Freesale Kerosene Dealers and Resellers (Licensing) Order, 2005**

(10) Explosives license details:

License No.	Date of issue	Validity Date	Issuing authority	Licensed Capacity (KL)

(11) Storage Details:

Location	Capacity (KL)	Whether assigned for any other license if yes details.

(12) Monthly capacity of license : \_\_\_\_\_ KL

(13) The licensee shall not withhold from sale the stocks of freesale kerosene kept for sale.

(14) The licensee shall maintain true and proper records and accounts of all the transactions related to the Acquisition, Sale, Storage for sale of freesale kerosene and all other records as expected from him or as directed by the Government or the licensing authority and shall submit quarterly end use certificates to the licensing authority.

(15) The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorized by him for inspection of his stocks and accounts of freesale kerosene and produce the license for inspection of his stocks and accounts of kerosene and produce the license for inspection on demand.

(16) The licensee shall comply with any directions that may be issued to him by the Government or by the licensing authority or by any officer authorized by the licensing authority in this behalf, in regard to the methods of acquisition, transport, sale and storage for sale of freesale kerosene which the Government or licensing authority or any officer authorized by the licensing authority may think fit.

(17) other conditions which the licensing authority feels necessary)

(18) This license shall be valid up to \_\_\_\_\_

Place :

Date :

**Licensing Authority.**

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## FORM IIA

(Format for the license for the Acquisition, Sale and Storage for sale  
of Freesale kerosene as a Dealer)

(See clause 2(k), 3(1) & 8 (2) of the order

(Affix a recent passport size photograph here)
------------------------------------------------------------

(1) License No. \_\_\_\_\_

Subject to the provisions of the Maharashtra Freesale Kerosene Dealers and Resellers (Licensing) order, 2005 and to the terms and conditions of this license and all other instructions and orders issued by the Government or the Licensing Authority from time to time in this behalf ----- is hereby authorized to Acquire, sale, store for sale freesale kerosene.

(2) Name of the Licensee

(3) Type of firm

(4) Details of Partners/Proprietors/Directors -

Sr. No.	Name	Office		Residence	
		Address	Telephone No.	Address	Telephone No.
1					
2					

(5) Address of Registered office of the firm :

(6) Shop and Establishment registration:

Registration No.	Date of Registration	Validity Date	Issuing authority



## The Maharashtra Freesale Kerosene Dealers and Resellers (Licensing) Order, 2005

(7) State Sale Tax registration:

Registration No.	Date of Registration	Validity Date	Issuing authority

(8) Central Sales Tax registration:

Registration No.	Date of Registration	Validity Date	Issuing authority

(9) Explosives license details:

License No.	Date of issue	Validity Date	Issuing authority	Licensed Capacity (KL)

(10) Storage Details:

Location	Capacity (KL)	Whether assigned for any other license if yes details.

(11) Monthly capacity of license : \_\_\_\_\_ KL

(12) The licensee shall not withhold from sale the stocks of kerosene kept for sale.

(13) The licensee shall maintain true and proper records and accounts of all the transactions related to the Acquisition, Sale, Storage for sale of for sale kerosene and all other records as expected from him or as directed by the Government or the licensing authority and shall submit quarterly end use certificates to the licensing authority.

(14) The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorized by him for inspection of his stocks and accounts of freesale kerosene and produce the license for inspection of his stocks and accounts of kerosene and produce the license for inspection on demand.

(15) The licensee shall comply with any directions that may be issued to him by the Government or by the licensing authority or by any officer authorized by the licensing authority in this behalf, in regard to the methods of acquisition, transport,

sale and storage for sale of freesale kerosene which the Government or licensing authority or any officer authorized by the licensing authority may think fit.

(16) (other conditions which the licensing authority feels necessary)

(17) This license shall be valid up to \_\_\_\_\_

Place :

Date :

Licensing Authority.

\_\_\_\_\_

By order and in the name of the Governor of Maharashtra,

P. J. Jadhav,

Under Secretary to Government.

**(MGG-Part-4A-Dateddd 02.06.2005-Page 120)**



**THE LUBRICATING OILS AND GREASES  
(PROCESSING, SUPPLY AND DISTRIBUTION REGULATION)  
ORDER, 1987**

---

S. R. 233, dated 20th March, 1987- In exercise of the powers conferred by Sec. 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes Hawing Order, namely :-

**Short title, extent and Commencement** - This Order may be called the Lubricating Oils and Greases (Processing, Supply and Distribution Regulation) Order, 1987.

(1) It extends to the whole of India.

(2) It shall come into force on the 1st day of April, 1987.

**Definitions** - In this Order, unless the context otherwise requires -

- a) “competent authority” means any person or authority authorised by a State Government or a Union Territory administration, by notification in the Official Gazette, to exercise the powers and to perform the functions of the competent authority under this order for such area as may be specified in the notification;
- b) “lubricating oil or grease” means any of the products classifiable under sub-heading Nos, 2710.32, 2710.60, 2710.70, 2710.80, 2710.93, 2710.94, 2710. 95, 2710.99 or heading No. 3403.00 of the schedule to the Central Excise Tariff Act, 1985 (5 of 1986) ;
- c) “processor” means any person carrying on or proposing to carry on the business of manufacturing, blending, packaging, re-refining, sale or re-sale of any lubricating oil or grease and includes a representative or agent of such processor but does not include the oil companies specified, in Sch. I appended to this Order;]
- d) without prejudice to the meaning assigned to “adulteration” under the Prevention of Food Adulteration Act, 1954 (37 of 1954), any lubricating oil or grease shall be deemed to be adulterated if the same does not meet the specifications <sup>2</sup>[declared by or applicable to the processor;)

**Restriction on processing and storage of lubricating oils and greases.** - No person shall on the business of processor except under and in accordance with the terms and conditions of a valid licence granted to him under this Order.

## The Lubricating oils and Greases (Processing, Supply and Distribution Regulation) Order, 1987

1. **Prohibition of business of lubricating oil or grease.** - No person shall carry on the Business of manufacturing, blending, packaging, re-refining, selling or transporting for any lubricating oil or grease which has been adulterated.]
5. **Application for grant or renewal of a licence.**-<sup>1</sup>[(1) Any person desiring to carry on the business of a processor, other than a seller or a re-seller, shall make an application in Form 1 and every seller or re-seller shall make an application in Form 1-A specified u Sch. I appended to this order to the competent authority, together with a fee of rupees twenty-five.]
  - (2) On receipt of an application under sub-Clause, (1) the competent authority after making such enquiry as it considers necessary, shall by order in writing, either grant or renew the licence in Form 2 <sup>1</sup>[or as the case may be, Form 2-A specified in Sch. I appended to this Order] or refuse to grant or renew the same.
  - (3) Where the competent authority refuses to grant or renew a licence it shall record the reasons for so doing and a copy of the reasons so recorded shall be furnished to the applicant.
  - (4) In granting or refusing to grant or renew <sup>2</sup>[a licence in Form I specified in Sch.] appended to this Order] the competent authority shall have regard to matters such the following, namely :
    - (a) the existing or proposed facilities for manufacturing and testing <sup>3</sup>[lubricating oil or grease];
    - (b) the availability of base stocks, raw materials-and-additives for manufacturing <sup>3</sup>[lubricating oil or grease]; and
    - (c) the types and specifications of <sup>3</sup>[lubricating oil or grease] which the processor manufacturing or proposing to manufacture.
  - <sup>3</sup>[(5) All existing processors shall obtain the licence under this Order by the 31st of June, 1988.]
  - (6) An application for the renewal of licence shall be made three months before the date of expiry of the existing licence.
  - (7) Every licence granted under this Order shall remain valid, unless renewed for further period of five years, till the end of five years from the date of its issue or till it cancelled under Cl. 6, whichever is earlier.

**<sup>2</sup>[5-A. The declaration as to specification of lubricating oil or grease. -**

- (1) Every processor who is neither carrying on nor proposing to carry on business of re-refining of lubricating oil or grease shall make a declaration as to the specification of such lubricating oil or grease and shall conform to such specifications.
- (2) Every processor who is carrying on, or proposing to carry on the business of refining of lubricating oil or grease,-
  - (a) if such re-refining is being undertaken under a licence issued under Sec. 15 of the Bureau of Indian Standards Act, 1986 (63 of 1986), "Shall Conform, IS-76-1T, Standard Mark specified under the said Act;
  - (b) if such re-refining is being undertaken other than under a licence referred to in sub-clause (a), shall make a declaration as to the specification of such lubricating oil or grease and shall conform to such specifications :

PROVIDED THAT the requirements of sub-clause (b) shall not be applicable to the re-refiners of re-refined base oil if such re-refiners sell such base oil only to major users to one of the oil companies specified in Sch. I.

*Explanation - For the purpose of this sub-clause, 'major user' means any institution which acquires lubricating oil or grease directly from one of the oil companies and gets the waste oils re-refined by one of the re-refiners registered under this Order for its own use.*

- 6. Suspension of cancellation of licence. -** The competent authority may, without prejudice to any other action that may be taken against a processor under the Essential Commodities Act, 1955 (10 of 1955), by Order in writing '[suspend or cancel] a licence for breach of any of the terms and conditions of the licence and a copy of the order shall be furnished to the processor.

PROVIDED THAT no licence shall be '[suspended or cancelled] under this clause unless the processor has been given reasonable opportunity of being heard in the matter.

- 7. Appeal -** Any person aggrieved by an order made by the Competent Authority under Cl. 5 or under Cl. 6 may, within thirty days of the receipt of a copy of the order by him, prefer an appeal to the State Government and the State Government may after giving applicant an opportunity of being heard confirm, reverse or modify such order.

## The Lubricating oils and Greases (Processing, Supply and Distribution Regulation) Order, 1987

- 8. Power of entry, search and seizure.** - <sup>2</sup>[Any Police Officer not below the rank of an Inspector of Police], authorised in this behalf by the Central Government or a State Government may, with a view to securing compliance with this order or to satisfying himself that this order or any order made thereunder has been complied with -
- (a) enter and search any place, premises, vessel or vehicle which the officer has reason to believe, has been, or is about to be, used for the contravention of this Order.
  - (b) seize-
    - (i) stocks of lubricating oils, greases and processing equipments,
    - (ii) any package, covering or receptacle in which lubricating oils and greases are found, and
    - (iii) any animal, vehicle, vessel or other conveyance used in carrying lubricating oils and greases, which the officer has reason to believe has been, or is being or is about to be Used for the contravention of this Order;
  - (c) send samples of any lubricating oil or grease seized under sub-paragraph (i) of para. (b) to any of the laboratories mentioned in Sch. II appended to this Order, for analysis with a view to knowing the nature and extent of adulteration.
- (2) The provision of Sec. 100 of the Code of Criminal Procedure, 1973 (2 of 1974), relating to search and seizure shall, as far as may, apply to searches and seizures under this Order.

### Comments

**Power to search and seizure**—A perusal of Cl. 8 of the Lubricating Oils and Greases (Processing, Supply, Distribution Regulation) -Order, 1987, clearly brings out that the Central and the State Government have been authorised to empower an officer, not below the rank of Inspector of Police, to effect raid or search in such cases. It thus follows that Assistant Sub-Inspector Narinder Singh, who had raided the house of the petitioner and allegedly recovered the lubricating oil was not competent to do so. The raid and the consequent search effected by Assistant Sub-Inspector Narinder Singh, in this case were thus clearly incompetent. The conclusion is, therefore, irresistible that the prosecution of the petitioner constitutes an abuse of the process of the Court.;

**Lubricating Oils and Greases (Processing, Supply and Distribution Regulation) Order, 1987**, - The provision of the Cl. 8 of the aforesaid order is very clear: An officer not below the rank of Inspector or any other officer of Government or rank equivalent or higher thereto, authorised in this behalf by the Central Government or a State Government, is competent to enter and search any place or premises, vessel or vehicle which the officer has reason to believe that it has been or is about to be used for contravention of the above said order and can seize the stocks of lubricating oils, ceases and processing equipments.<sup>4</sup>

9. **Power of Central Government to issue directions** - The Central Government may, from time to time, by general or special order, issue to any processor such directions as it considers necessary regarding the processing, storage, transport and disposal of '(lubricating oil or grease) and upon the issue of such directions, such processor shall be bound to comply therewith.

**SCHEDULE I**

[See Cl. 2(c)]

Names of Oil Companies

- (i) Indian Oil Corporation Ltd.,  
G-9, All Yavar Jung Marg,  
Bandra (East), Bombay-400051
- (ii) Indian Oil Blending Ltd.\*  
Pirpau, Trom bay, Bombay.
- (iii) Bharat Petroleum Corporation Ltd.,  
Bharat Bhavan,  
4 86 6 Currirnbhoy Road,  
Ballard Estate, Bombay-400 038,
- (iv) Hindustan Petroleum Corporation Ltd.,  
I 7-Jamshedji Tata Road,  
Churchgate, Bombay-400 020.



**The Lubricating oils and Greases (Processing, Supply and Distribution Regulation) Order, 1987**

- (v) Balmer Lawrie and Company Ltd.,  
21, Netaji Subhash Marg, Calcutta 700 001.
- (vi) Indrol Lubricants 86 Specialities Ltd.,  
White House,  
91, Walkeshwar Road,  
Bombay - 400 006.
- (vii) Petrasil Oil Co. Ltd.,  
Apeejay House,  
3, Dinsha Wacha Road, Bombay-400 020.
- (viii) Tide Water Oil Co. (India) Ltd.,  
32, R. Kamani Marg,  
Ballard Estate, Bombay-400 038,
- (ix) IBP Co. Limited,  
Gillander House,  
8, Netaji Subhash Road,  
Calcutta-700001
- <sup>3</sup>[(x) Madras Refineries Limited,  
480, Khivraj Complex,  
Nandanam,  
Annasalai, Madras-6000 36
- <sup>4</sup>[(xi) IBP-Caltex Limited,  
F-47, South Extension,  
New Delhi-110019.]

*Application for the grant of a licence to carry on the profession of a processor*

*Note - This application form is for registration of an existing unit, renewal of a licence as well as for a unit proposed to be established and is to be filled in accordingly. Please state whether application is being made for.*

FORM NO. 1

[See Cl. 5(1)]

<sup>1</sup>[Manufacturing, blending, packaging or re-refining of lubricating oils or greases]

Types of lubricant and grease	Specifications (the relevant ISI specification if produced to such specification, otherwise the specification to which the product would be or is being made),	Brand name or trade name of the product, if any	Quantity (in kilo litres) and its value in (Rs. approx.) of production during two previous calendar years.
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(i) Engine/Crank case Oil

(ii) Gear Oils

(iii) Industrial Oils

(iv) Greases .

(v) Speciality

(vi) Others (*Specify*)

(i) Licensing of an existing unit.

(ii) Licensing of a unit to be set up, or

(iii) Renewal of a licence.

(1) Name and full address of the processor

(2) Name and address of the partners/directors

(3) Location of the Unit

(4) Capital investment in the project :

(a) Land

(b) Building

(c) Plant and machinery

(5) Date of commencement of production

(6) Capacity of the plant (Kilo Litres)

(7) No. of shifts per day.

(8) Details of production.

**The Lubricating oils and Greases (Processing, Supply and Distribution Regulation) Order, 1987**

(9) The sources and details of procurement of base oils. and additives.

(10) Process details.

A brief description of the process.

(11) Storage capacity available/planned.

(a) for raw materials

(b) for intermediate products

(c) for finished products.

(12) Statement of utilities giving sources, quantities, assurance of supply :

Electricity (Kwh)

Fuel Oil (KL)

Coal (Tonnes)

Water

Others

(13) Total manpower employed/to be employed.

(14) Plant facility (existing or planned)

Please give details of equipment including laboratory equipment for quality control.

(15) Statutory regulations on environment

(1) Whether clearance from the concerned environmental authority has-been obtained?

(2) If yes, give, particulars.

(16) Any additional information.

*Signature of applicant*.....

Name .....

(In Block letters)

Place .....

Date .....

1[FORM No. 1-A

[See Cl. 5.1 of Lubricating Oils and Greases  
(Processing, Supply & Distribution Regulation) Order, 1987]

**Application for the Grant of Licence to carry on Trading of Finished  
Lubricating Oils/Greases/Specialities by an Existing  
Unit/Proposed Unit/Renewal of Licence**

[This application form is for Registration/Renewal of Trading activities in Lubricating Oils  
& Greases including used/Re-refined Oils)

1. Full name of the applicant.
2. Address in full.
3. Location of the place(s) of business/address.
4. Name of company/companies whose product is being traded.
5. Name of supplier & address in full
6. New Licence

Renewal

I solemnly declare that the information given above is true to the best of my knowledge and belief.

Place :

Date :

*Signature of the Applicant*

(Name in Block Letters)]

FORM No. 2

[See Cl. 5 (2)]

Form of Licence for Registration of an existing Unit/Proposed Unit/Renewal of Licence

Licence No.....

Date of Issue.....

Valid up to.....

**The Lubricating oils and Greases (Processing, Supply and Distribution Regulation) Order, 1987**

Licence to carry on the business of a processor is hereby granted to the party, at the place and subject to the terms and conditions mentioned below and to the provisions of the Lubricating Oils and Greases (Processing, Supply and Distribution Regulation) Order, 1987.

Description of the party, the location of the unit and the specifications of the product(s)

1. (i) Full name of the holder of the licence.  
(ii) Address in full.
2. Location of the unit.
3. Location of the storage attached to the unit.
4. Capacity of the unit (in kilo litres).
5. Products produced and their specifications

*Products*

- (i) Motor Oil
- (ii) Gear Oils
- (iii) Industrial Oils
- (iv) 4 - Greases
- (v) Others (specify).

(Relevant I.S.I. Specifications, if product is of ISI Specification, otherwise details of the specifications to which produced or proposed to be produced).

If licence has been renewed, particulars of the licence renewed.

Competent Authority

Date .....

State of .....

*Terms and Conditions of the Licence*

1. The licence is issued subject to the provisions of the Lubricating Oils and Greases (Processing, Supply and Distribution Regulation) Order, 1987.
2. The holder of the licence shall maintain correctly and completely such records as are necessary for verifying the particulars given in the application form of the applicant and this licence granted to him.

3. The holder of the licence shall permit an officer authorised by the Competent Authority under the provisions of the Lubricating Oils and Greases (Processing, Supply and Distribution Regulation) Order, 1987 to inspect the places where processing of lubricating oils or greases is being undertaken, shall furnish samples thereof, shall permit on demand by such officer such records or documents in his possession or under his control and shall allow to enter or search any premises and seize any article to which his order applies.

Competent Authority

State of.....

1[FORM No. 2-A

**Form for Licence for An Existing Unit/Proposed Unit for  
Trading in Finished Lubricating  
Oils/Greases/Specialities/Renewal of Licence**

Licence to carry on the business of a processor (only for the activity of sale) is hereby granted to the party at the place and subject to the terms and conditions below and provisions of the Lubricating Oils and Greases (Processing, Supply and Distribution Regulation) Order, 1987.

Description of the party, the location of the unit and product(s)

1. Full name of the licence holder.
2. Address in Full.
3. Location of the place(s) of business/address.
4. Licence No.
5. Date of Issue.
6. Valid up to.
7. Name of the Company/Companies whose product he is trading.
8. Name of supplier and address in full.

Date

Competent Authority

State of.....

*Seal*

## The Lubricating oils and Greases (Processing, Supply and Distribution Regulation) Order, 1987

### *Terms and Conditions of the Licence*

1. The licence is issued subject to the provisions of the Lubricating Oils and Greases (Processing, Supply and Distribution Regulation) Order, 1987.
2. The holder of the licence shall maintain correctly and completely such records as are necessary for verifying the particulars given in the application form of the applicant and this licence granted to him.
3. The holder of the licence shall permit an officer authorised by the competent authority under the provisions of the Lubricating Oils and Greases (Processing, Supply and Distribution Regulation) Order, 1987 to inspect the places where trading of lubricating oils or greases is being undertaken, shall furnish samples thereof, shall permit on demand by such officer such records or documents in his possession or under his control and shall allow to enter or search any premises and seize any articles to which this order applies.

Competent Authority

State of .....

### SCHEDULE II

[See Cl. 8 (1) (q)]

#### **Laboratories for Testing of Petroleum Products Samples**

(Subject to the availability of requisite facilities)

*Hindustan Petroleum. Corporation Ltd., Laboratories*

- (1) Hindustan Petroleum Corpn. Ltd.,  
Fuels Refinery Division Laboratory, Corridor Road, Mahul, Bombay-400 074.
- (2) Hindustan Petroleum Corpn. Ltd.,  
Lubes Refinery Laboratory, Corridor Road, Mahul, Bombay-400 074
- (3) Hindustan Petroleum Corpn. Ltd.,  
Visokh Refinery Laboratory, P.O. Box 50. Visliakhapatnarm-530 001.
- (4) Hindustan Petroleum Corpn. Ltd.,  
Mazagaon Laboratory, Haybunder Road, Bornbay - 400 033.
- (5) Hindustan Petroleum Corpn. Ltd.,  
Budge Budge Laboratory, Budge Budge, 24 Parganas, West Bengal - 743 319.

- (6) Hindustan Petroleum Corpn. Ltd.,  
Laboratory, 98/99 Elaya Mudali Street, P. O. Box No. 1170.  
Washermanpet P.O. Madras.
- (7) Hindustan Petroleum Corpn. Ltd.,  
Laboratory, Rohtak Road, Shakurbasti, Delhi-110 056.
- (8) Hindustan Petroleum Corpn. Ltd.,  
Laboratory, P. B. No. 43. Gandhidharn (Kach)-370 201.
- (9) Hindustan Petroleum Corpn. Ltd.,  
Vasco Terminal Laboratory, P. B. No. 48, Vasco Da Garna, Goa.
- (10) Hindustan Petroleum Corpn. Ltd.,  
Ernakulam Terminal Laboratory, P. B. No. 2611, Ernakulam, Cochin 682 031.
- (11) Hindustan Petroleum Corpn. Ltd.,
- (12) Indian Oil Corpn. Ltd.,  
(Marketing Division), Allahabad Laboratory, Post Box No. 41, Allahabad-221 001.
- (13) Indian Oil Corpn, Ltd.,  
Arnbala Laboratory, G.T. Road, Pipeline Terminal,  
Arnbala Cantonment, PIN-133 001 (Haryana).
- (14) Indian Oil Corpn. Ltd.,  
Jalandhar Laboratory, Suchipind, Jalandhar City-144 009.
- (15) Indian Oil Corpn. Ltd.,  
Mughalsarai Laboratory, Mughalsarai-232 101
- (16) Indian Oil Corpn. Ltd.,  
Haldia Laboratory, P.O. Haldia Refinery, Dist. Midnapur (West Bengal).
- (17) Indian Oil Corpri. Ltd.,  
Port Blair Laboratory, Andaman & Nicobar Islands, Port Blair.



**The Lubricating oils and Greases (Processing, Supply and Distribution Regulation) Order, 1987**

- (18) Indian Oil Corpn. Ltd.,  
Bangalore Laboratory, Banasawadi Road, M. S. Nagar, Bangalore-560 033.
- (19) Indian Oil Corpn. Ltd.,  
Antop Hill Laboratory, Antop Hill, Wadala, Bombay-400 031.
- (20) Indian Oil Corpn. Ltd.,  
Shakurbasti Laboratory, Opp. Shivaji Park, Shakurbasti, Delhi-110 056.
- (21) Indian Oil Corpn. Ltd.,  
Delhi Terminal Laboratory, Gurgaon Road, Bijwasan, New Delhi.
- (22) Indian Oil Corpn. Ltd.,  
Calcutta Airport Terminal Laboratory, (Dum Dum Airport),  
Calcutta Airport, Calcutta-700 052.
- (23) Indian Oil Corpn. Ltd.,  
Korkupet Laboratory, Kathiavakkam High Road, Madras-600 021.
- (24) Indian Oil Corpn. Ltd.,  
Laboratory, Railway Colony Post, Ahmedabad-380 019.
- (25) Indian Oil Corpn. Ltd.,  
Rajabandh Terminal. Laboratory, Durgapur-713 212.
- (26) Indian Oil Corpn. Ltd.,  
Laboratory, Sipara, Post : Persav, Poon Poon, Patna.
- (27) Indian Oil Corpn. Ltd.,  
Laboratory, - Near New Ja.lpaiguri Station, Post : Siliguri-7.34 401.,
- (28) Indian Oil Corpn. Ltd., Laboratory,  
Village : Panchpara, P. O. Radhadashi, Dist. Howrah.
- (29) Indian Oil Corpn. Ltd., Laboratory,  
Ranarnbur, Mangalore, Pin-575 010.

- (30) Indian Oil Corpn. Ltd., Laboratory,  
Wellington Islands, P. B. No. 35, Cochin-682 003.
- (31) Indian Oil Corpn. Ltd.,  
Naphtha Terminal Project Laboratory, Opp. United Salt Works,  
Kandla Port—Post Office, Kandla (Kutch).
- (32) Indian Oil Corpn. Ltd., Laboratory,  
P. B. No. 154. Vasco Da Gama, Goa-403 001.
- (33) Indian Oil Corpn. Ltd., Laboratory,  
Malkapuram Post Office, Vishakhapatnam-7-530 001.
- (34) Indian Oil Corpn. Ltd., Laboratory,  
Tuticorin Harbour Project Premises, Tuticorin-628 004.
- (35) Indian Oil Corpn. Ltd., Laboratory,  
Post Office Armapore, Kanpur-208 009.
- (36) Indian Oil Corpn. Ltd., Laboratory,  
24 arganas, Budge Budge-743 319.
- (37) Indian Oil Corpn. Ltd., Laboratory,  
Post Office Fateh. Bagh, Industrial Estate, Sannath Nagar, Hyderabad 500 018.
- (38) Indian Oil Corpn. Ltd.,  
Mathura Refinery Laboratory, P. O. Mathura Refinery, Mathura-281 005 (U.P.).
- (39) Indian Oil Corpn. Ltd.,  
Bateauri Oil Refinery Laboratory, Dist. Begusarai-851 112 (Bihar).
- (40) Indian Oil Corpn. Ltd.,  
Haldia Oil Refinery Laboratory, Oita, Midnapur 721 606, (West Bengal).
- (41) Indian Oil Corpn. Ltd.,  
Getuhati Oil Refinery Laboratory, P. O. Noonmati, Gauhati - 781 020 (Assam).

**The Lubricating oils and Greases (Processing, Supply and Distribution Regulation) Order, 1987**

- (42) Indian Oil Corpn. Ltd.,  
Gujarati Oil Refinery Laboratory, P.O. Jawaharnagar,
- (43) Indian Oil Corpn. Ltd.,  
(Assam Oil Division),  
(Digboi Refinery Laboratory, P.O. Digboi, Assam-786 171.
- (44) Indian Oil Corpn. Ltd., (R. & D Centre),  
Sector 13, Faridabad—121 001 (Haryana).
- (45) Indian Oil Blending Ltd., Laboratory,  
“Pir Pau” Trombay, Bombay-400 074.
- (46) Indian Oil Blending Ltd., Laboratory,  
Ennore High Road, Tondiarpet, Thiruvottiyur Post, Madras-600 081.
- (47) Indian Oil Blending Ltd., Laboratory,  
P. 68, C.G.R. Diversion Road, Paharpur, Calcutta-700043.  
*Bharat Petroleum Corporation Ltd. Laboratories*
- (48) Bharat Petroleum Corpn. Ltd.,  
Refinery Laboratory, Refinery Site; Mahul, Bombay-400 074.
- (49) Bharat Petroleum Corpn. Ltd.,  
R & D Centre Refinery Site Laboratory, Mahul, Bombay-400 074
- (50) Bharat Petroleum Corpn. Ltd.,  
Budge Budge Installation Lab., Budge Budge, P.O. Budge Budge,  
Dist. 24 Parganas, West Bengal-743 319.
- (51) Bharat Petroleum Corpn, Ltd.,  
Tondiarpet Installation Lab., Tondiarpet , P. B. No. 1152, Madras-600 001.
- (52) Bharat Petroleum Corpn. Ltd.,  
Shakurbasti Installation Lab.,  
Shakurbasti, Delhi-110 056.  
*I.P. Co. Limited Laboratory*

- (53) Research & Development Laboratory,  
I.B.P. Co. Ltd., Manesar Village,  
District Gurgaon, Haryana.  
*Mobile Laboratories of Oil Companies*
- (54) Mobile Laboratories of Oil Companies,  
(I.O.C., B.P.C., I.R.P. Co. & H.P.C.).
- (55) Bongaigaon Oil Refinery Ltd.,  
Refinery Laboratory,  
P.O. New Bongaigaon,  
District Kokrajhar, Assam.
- (56) Madras Refinery Laboratory,  
Madras Refineries Ltd.,  
Manali, Madras-600 019.
- (57) Cochin Refinery Ltd.,
- (58) Director of Airworthiness,  
Civil Aviation Deptt. Laboratory,  
Block II/III East, R. K. Puram,  
New Delhi-110 066.
- (59) National Test House,  
11/1, Judges Court Road, Alipore, Calcutta-27.
- (60) National Physical Laboratory,  
Pusa Road, New Delhi-110 021.  
*Defence Laboratories*
- (61) Chief Inspectorate of Materials,  
Inspectorate-General of Stores Laboratory,  
I.G.S. Kanpur, P. B. No. 229, Kanpur.
- (62) Inspectorate-General Stores Laboratory  
(I.G.S.L.), D.G.I. Complex, Madras-600 114.

**The Lubricating oils and Greases (Processing, Supply and Distribution Regulation) Order, 1987**

- (63) Inspectorate-General of Stores  
Laboratory, D.G.I. Complex, Hastings, Calcutta-700 002.
- (64) Inspectorate-General of Stores Laboratory,  
D.G.I. Complex., Vikhroli, BOrnby—400 083.
- (65) Indian Institute of Petroleum,  
Debra Dun-248 005.
- (66) Indian Institute of Technology,  
Guindy, Madras.
- (67) Indian Institute of Technology,  
Hauz Khas, New Delhi.
- (68) Indian Institute of Technology,  
Powai, Bombay.
- (69) Indian Institute of Technology,  
Kharagpur.
- (70) Regional Research Laboratory,  
Uppal Road, Hyderabad-500 007.
- (71) (Forensic Laboratories States/U.T's.).

**THE PETROLEUM PRODUCTS (MAINTENANCE OF  
PRODUCTION, STORAGE AND SUPPLY) ORDER, 1999**

**Ministry of Petroleum & Natural Gas, New Delhi**

**dated 16th April, 1999**

**Order**

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**No.G.S.R. 272(E)** - In exercise of the powers conferred by section 3 of the **Essential Commodities Act, 1955, (10 of 1955)**, in order to regulate production, storage and supply of petroleum products in the interest of sustaining public life, economy and protecting consumers interest, the Central Government hereby makes the following Order, namely :-

**1. Short title, extent and commencement.**

- (i) This order may be called the **Petroleum Products (Maintenance of Production, Storage and Supply) Order, 1999**.
- (ii) It shall come into force on the date of its publication in the Official Gazette.

**2. Definitions.**

In this Order, unless the context otherwise requires -

- (a) **“bulk sale”** means sale of petroleum products other than retail sale;
- (b) **“dealer”** means any person, firm or company who carries on, directly or otherwise, the business of storage, distribution and sale of petroleum products, in bulk or retail.
- (c) **“depot”** means any premises approved or licenced by the Chief Controller of explosives for storage of petroleum products;
- (d) **“installation”** means any premises wherein any place has been specially prepared for the storage of petroleum in bulk, but does not include a well-head tank or service station;
- (e) **“oil marketing companies”** means any person, firm or company engaged in sale of petroleum products to dealers or consumers in bulk or retail;
- (f) **“oil refining companies”** means any person, firm or company engaged in refining crude or re-refining of crude oil or any derivatives thereof;
- (g) **“petroleum products”** means crude oil or any product manufactured out of crude oil or from another petroleum product including Aviation Turbine Oil, Motor

## **The Petroleum Products (Maintenance of Production, Storage and Supply) Order, 1999**

Spirit, High Speed Diesel, Liquified Petroleum Gas, Superior Kerosene Oil, Naphtha and Solvent or any derivative.

- (h) **“retail outlet”** means filling station in which one or more dispensing pumps have been provided for retail sale of Motor Spirit and/or High Speed Diesel or an LPG distributorship or a Kerosene dealership.
- (i) **“retail sale”** means sale of petroleum products not exceeding 2500 litres to any one customer at a time.

### **3. Maintenance of production of petroleum products.**

- (1) Where the Central Government is satisfied that it is necessary in the public interest so to do it may by order in writing, direct any oil refining company to maintain or cause to be maintained a level of production of such product or mix subject to such terms and conditions as may be specified:

Provided that no such direction shall be passed by that Government unless the parties are given reasonable opportunity of being heard.

- (2)
  - (i) The direction under sub clause (1) may provide for the maintenance of the production of any petroleum product for such period and in such quantities or proportions and of such specification as may be specified therein.
  - (ii) Such direction may also contain such supplemental or incidental provisions as the Central Government may consider necessary.
- (3) In Issuing the direction under sub clause (1), the Central Government shall have regard to -
  - (i) the capacity of oil-refining company to produce any petroleum product on the date of issuing such direction;
  - (ii) the highest average quantity of production of such product or products of the company for the preceding five years or since inception whichever is later, after taking into account seasonal fluctuations in production;
  - (iii) type of crude oil availability and operational flexibility existing in the refinery;
  - (iv) any other relevant factor including economic viability of the refining operation.

**4. Maintenance of stocks of petroleum products -**

- (1) If, with a view to ensuring the maintenance of adequate supplies of petroleum products, the Central Government is of opinion that it is necessary in the public interest so to do, it may, by an order in writing, direct all or any oil-refining company or companies or oil marketing company or companies to maintain, or cause to be maintained, by such date and for such period as may be specified in the said order, such stock of petroleum products as may be specified therein and to maintain an inventory of such stock in such form and in such manner as may be specified therein.
- (2) Such order may also contain such supplemental or incidental directions as the Central Government may consider necessary.
- (3) Before issuing any order under sub clause (1), the Central Government shall have due regard to -
  - (i) the operating level of the associated refineries, dead stocks, periodic cleaning of tanks, minimum storage space required for receiving fresh supplies from tank wagons, pipeline or tanker or both, and cushion for absorbing variations in operations and tanker arrival schedules;
  - (ii) any other relevant factor.

**5. Regulation of supply and distribution of petroleum products.**

1. The Central Government for uninterrupted and equitable distribution and availability of petroleum products may, by order, require any oil marketing company to supply or cause to be supplied one or more petroleum products from the stocks held by it at any place in India to installations or depots of any oil marketing companies in such quantities and in such manner as may be specified therein and for this purpose may, by the same or a different order, require any oil refining company to make available to the oil marketing company such petroleum product or products for a period specified in the order.
2. Every person-in-charge of any installation or depot, shall on receipt of the petroleum product or products supplied by any oil marketing company whether in pursuance of any order made under sub-clause (1) or otherwise, distribute and sell the same in such areas and such manner, as specified;

Provided that the Central Government at any time, may, issue such further directions to the person-in-charge of a depot or installation as may be necessary for equitable distribution of such petroleum product or products;



## **The Petroleum Products (Maintenance of Production, Storage and Supply) Order, 1999**

Provided further that the Central Government may by general or special order authorise any State Government or its officers, to issue such directions to the person-in-charge of a depot or installation as may be necessary for the equitable distribution, of such petroleum product or products subject to such terms and conditions, as may be specified.

3. The order referred to in sub-clause (1) may contain such supplemental or incidental provisions relating to the supply of any petroleum product including prices and other charges as the Central Government may consider necessary.

### **6. Regulation of retail supply of petroleum products.**

- (1) Where under any agreement between a dealer and an oil marketing company, a petroleum product is to be supplied at a retail outlet, and the central Government is of the opinion that such petroleum product may not be available at the retail outlet for any reason whatsoever, either wholly or partially to meet the demand of the general public, it may, by order in writing, direct any other oil marketing company to deliver, for such period as may be specified in the order or such period by which the original supplying company is able to restore the supply, such petroleum product at such retail outlet and thereupon it shall be the duty of the oil marketing company specified in the order to deliver, and of the dealer to receive and sell the petroleum product so ordered to be delivered against price and other charges.
- (2) The order may under sub-clause (1) shall have effect notwithstanding anything to the contrary contained in any agreement between the dealer and the oil distributing company.
- (3) No suit, prosecution, legal proceedings or any other action shall lie against the oil marketing company or a dealer for storing, receiving and selling any petroleum product in accordance with the order made under sub-clause (1).

### **7. Take over of retail outlets and other business premises of dealers.**

- (1) If, with a view to ensuring adequate supplies of petroleum products and their equitable distribution, the Central Government, after giving opportunity of hearing to the dealer or dealers, is of the opinion that it is necessary in the public interest so to do, it may, by an order in writing, direct all or any oil marketing companies or any officer of the Central Government or State Government not below the rank of District Supply Officer as may be specified, to take over or cause to take over and operate, either by themselves or any other person appointed by them, any retail outlet and/or business premises like showroom, godown, office, storage premises, tanks and dispensing equipment of dealers for sale of any petroleum

products for such period as specified in the order subject to such conditions and directions as may be considered necessary and expedient.

[Provided that an order of take-over of retail outlets and others and other business premises of dealers under sub-clause (1) in cases where the circumstances do not permit serving of notice for the want of sufficient time upon the dealer against whom the order is directed, the opportunity of hearing may be dispensed with in the public interest in order to maintain an uninterrupted supply of petroleum products.]

- (2) The Order referred in sub-clause (1) may contain such supplemental or incidental provisions relating to the take over including such payment as the Central Government may consider necessary.
- (3) The Order made under sub-clause (1) shall have effect notwithstanding anything to the contrary contained in any other control order or agreement between the dealer and the oil marketing company.

Proviso inserted by G.S R No.870(E), dated 15.11.2000.

#### **8. Collection of information.**

- (1) Every oil refining company shall furnish to the Central Government or an agency nominated by Central Government any and every information that may be asked for in regard to the procurement, stocking, movements (on shore or off shore), transfers, imports, exports and sales of crude oil and or all products at such period, in such manner and from such of the sources, as may be specified from time to time, in addition to information relating to the following matters and within the time mentioned against each in respect of such petroleum product or products as may be specified by the Central Government, namely :-
  - (i) figures of actual production of each petroleum product and the total crude throughput in each of the refineries of the oil refining companies in respect of the preceding month by the 4th day of every month;
  - (ii) product-wise production programme and expected crude throughput in respect of each refinery of the oil refining companies for the next month by the 10th day of every month;
  - (iii) figures of stock separately, of petroleum products held on each preceding Monday or on the first day of the preceding month, as may be specified in the refinery's tanks, every Wednesday or 5th day of the subsequent month, as the case may be;

## **The Petroleum Products (Maintenance of Production, Storage and Supply) Order, 1999**

- (iv) actual coastal shipments of petroleum products made by it to any port in India in the preceding month by the 4th day of every month;
  - (v) information about each tanker shipment of petroleum products made by it together with the information on the following matters;
    - (a) Name of tanker;
    - (b) Cargo carried, stating separately the quantities of each petroleum product;
    - (c) Destination of the shipment;
    - (d) Date of sailing of the tanker with the expected date of its arrival at the destination;
    - (e) Actual date of arrival of the tanker at the destination;
    - (f) Name of the consignee of the shipment and, where there is more than one consignee, the quantities to be delivered to each consignee within two days of each sailing of tanker and arrival thereof;
  - (vi) figures of total quantities of supplies made on shore in each week or month as may be specified to each supply area, separately for each petroleum product, for the preceding week ending on Sunday/month, as the case may be, every Wednesday or 5th day of the subsequent month.
- (2) Every oil marketing company shall furnish to the Central Government or an agency nominated by Central Government any and every information that may be asked for in regard to the refining, stocking, movements (on shore or off shore), transfers, imports, exports and sales of petroleum crude and any or all products, refined there from, at such periods, in such manner and from such of the sources as may be specified from time to time, in addition to information relating to the following matters and within the time mentioned against each matter in respect of such petroleum product or products as may be specified by the Central Government, namely;
- (i) stocks of petroleum products held by it on the preceding Monday or on the first day of the preceding month as may be specified at every main port installation or any depot and separately stocks of petroleum products in transit for each such port installation or depot, by following Wednesday or 5th day of the subsequent month, as the case may be;
  - (ii) quantity of petroleum products sold party-wise during the month by 10th day of the subsequent month;

- (iii) actual coastal shipments of petroleum products made by it to any port in India in the preceding month, by the 4th day of every month;
  - (iv) information about each tanker shipment of petroleum products made by it together with the information on the following matters: -
    - (a) Name of tanker:
    - (b) Cargo carried, stating separately the quantities of each petroleum product:
    - (c) Destination of the shipment:
    - (d) Date of sailing of the tanker with the expected date of its arrival at the destination:
    - (e) Actual date of arrival of the tanker at the destination:
    - (f) Name of the consignee of the shipment and, where there is more than one consignee, the quantities to be delivered to each consignee within two days of each sailing of the tanker and arrival thereof:
  - (v) figures of total quantities of supplies made to different customers on the shore in each week of month as may be specified to each supply area, separately for each petroleum product for the preceding week ending on Sunday or month, as the case may be, by every Wednesday, or 5th day of the subsequent month.
- (3) Every crude oil manufacturing company/crude oil importer shall furnish to the Central Government or an agency nominated by Central Government any and every information that may be asked for in regard to the refining, stocking, movements (on shore or off shore), transfers, imports, exports and sales of petroleum crude and any or all products, refined there from, at such periods, in such manner and from such of the sources as may be specified from time to time, in addition to information relating to the following matters and within the time mentioned against each matter in respect of such petroleum product or products as may be specified by the Central Government, namely: -
- (i) stocks of petroleum crude held by it on the preceding Monday or on the first day of the preceding month as may be specified at every main crude production centre or any other intermediate crude storage centre and separately stocks of crude in transit for each such crude storage centre, by following Wednesday or 5th day of the subsequent month as the case may be;

## **The Petroleum Products (Maintenance of Production, Storage and Supply) Order, 1999**

- (ii) quantity of petroleum crude produced by it during the preceding month by the 5th day of every month;
  - (iii) actual coastal shipments of crude made by it to any port in India in the preceding month, by the 4th day of every month;
  - (iv) information about each tanker shipment of crude made by it together with the information on the following matters: -
    - (a) Name of tanker:
    - (b) Cargo carried:
    - (c) Destination of the shipment:
    - (d) Date of sailing of the tanker with the expected date of its arrival at the destination:
    - (e) Actual date of arrival of the tanker at the destination:
    - (f) Name of the consignee of the shipment and, where there is more than one consignee, the quantities to be delivered to each consignee within two days of each sailing of the tanker and arrival thereof:
  - (v) figures of total quantities of supplies made to different customers on the shore in each week of month as may be specified to each refinery, for the preceding week ending on Sunday/month, as the case may be, by every Wednesday, or 5th day of the subsequent month.
- (4) Every company importing petroleum products either for its own consumption or for marketing purposes shall furnish to the central Government or an agency nominated by Central Government any and every information that may be asked for in regard to the refining, stocking, movements (on shore or off shore), transfers, imports, exports and sales of petroleum crude and any or all products, refined there from, at such periods, in such manner and from such of the sources as may be specified from time to time, in addition to information relating to the following matters and within the time mentioned against each matter in respect of such petroleum product or products as may be specified by the Central Government, namely: -
- (i) stocks of petroleum products held by it on the preceding Monday or on the first day of the preceding month as may be specified at every main port installation or any depot and separately stocks of petroleum products in transit for each such port installation or depot, by following Wednesday or 5th day of the subsequent month as the case may be;

- (ii) quantity imported, separately for each petroleum product during the month together with source of import, name of the port and date of import, by 5th day of the subsequent month;
- (iii) quantity of petroleum products sold party-wise during the month by 10th day of the subsequent month;
- (iv) actual coastal shipments of petroleum products made by it to any port in India in the preceding month, by the 4th day of every month;
- (v) information about each tanker shipment of petroleum products made by it together with the information on the following matters:
  - (a) Name of tanker:
  - (b) Cargo carried, stating separately the quantities of each petroleum product:
  - (c) Destination of the shipment:
  - (d) Date of sailing of the tanker with the expected date of its arrival at the destination:
  - (e) Actual date of arrival of the tanker at the destination:
  - (f) Name of the consignee of the shipment and, where there is more than one consignee, the quantities to be delivered to each consignee within two days of each sailing of the tanker and arrival thereof:
- (vi) figures of total quantities of supplies made to different customers on the shore in each week of month as may be specified to each supply area, separately for each petroleum product, for the preceding week ending on Sunday/month, as the case may be, by every Wednesday, or 5th day of the subsequent month.

**9. Power of entry, search and seizure.**

Any Gazetted Officer of Central or State Government or any police officer not below the rank of Deputy Superintendent of Police duty authorised by general or special order by Central Government or State Government as the case may be or any officer of a government oil company, not below rank of Sales Officer, may, with a view to securing compliance with this order or to satisfy himself that this order or any order made thereunder has been complied with: -

- (a) Stop and search any vessel or vehicle used or capable of being used for the transport of any petroleum product;

## **The Petroleum Products (Maintenance of Production, Storage and Supply) Order, 1999**

- (b) Enter and search any place;
- (c) Seize stocks of any crude oil or petroleum product in respect of which he has reason to believe that a contravention of this order has been, or is being, or is about to be made.

**Explanation :-** For the purpose of this clause “government oil company” means an oil refining company or oil marketing company which is a government company as defined under Section 617 of Companies Act, 1956;

### **10. Repeal and Saving.**

- (1) The Petroleum Products (Collection of Information) Order 1966, the Petroleum Products (Maintenance of Production Order 1970, the Petroleum Products (Regulation of Supply to retail Outlets) Order 1974, the Petroleum Products (Supply and Distribution) Order 1972, and the Petroleum (Storage) Order 1971 are hereby repealed except in respect of things done or omitted to be done under those orders before the commencement of this order.
- (2) Notwithstanding such repeal anything done or any action taken under the said order shall be deemed to have been done or taken under the corresponding provisions of this order.

(File No. P.11013/2/97-Dist.)

(Publish in G.O.-Extra, II Section 3(i) dated 16 April 1999 PP 6-15, No. 185)

**LIQUEFIED PETROLEUM GAS  
(REGULATION OF SUPPLY AND DISTRIBUTION)  
ORDER 2000**

**MINISTRY OF PETROLEUM AND NATURAL GAS**

**New Delhi**

**Dated 26th April, 2000**

**ORDER**

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No. G.S.R.487(E) - In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order, namely:-

**1. Short title and Commencement -**

- (1) This Order may be called the Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 2000.
- (2) It extends to the whole of India
- (3) It shall come into force on the date of its publication in the Official Gazette.

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

- (a) '*chief Controller of Explosives*' shall have the same meaning assigned to it in the Explosives Act, 1884 (4 of 1884);
- (b) "*consumer*" means a registered person, firm, company, institution, association of persons, co-operative society or organisation, who has been granted liquefied petroleum gas connection or supply, either in bulk or in cylinder, by a distributor or a Government oil company or a parallel marketeer;
- (c) "*cylinder*" means a metal container utilized for storing liquefied petroleum gas conforming to the specifications laid down in Schedules II and III ;
- (d) "*delivery person*" means a person engaged by a distributor of a Government Oil Company or a parallel marketeer to deliver liquefied petroleum gas in cylinder to consumers ;
- (e) "*distributor*" means a person, firm, association of persons, company, institution, organisation or a co-operative society appointed by a Government Oil Company or parallel marketeer and engaged in the business of purchase, sale, or storage for sale of liquefied petroleum gas in cylinders to consumers on the basis of an



## The Liquefied Petroleum Gas (Regulation of Supply & Distribution) Order, 2000

agreement with a Government Oil Company or a parallel marketer, as the case may be;

- (f) **“gas cylinder valve “** means a valve which is fitted to a cylinder ;
- (g) **“Government Oil Company”** means -
- (1) Bharat Petroleum Corporation Limited
  - (2) Bongagaigaon Refinery and Petrochemicals Limited
  - (3) Cochin Refineries Limited
  - (4) Gas Authority of India Limited
  - (5) Hindustan Petroleum Corporation Limited,
  - (6) Indian Oil Corporation Limited,
  - (7) Indo-Bharma petroleum Company Limited,
  - (8) Chennai Petroleum Company Limited,
  - (9) Numaligarh Refinery Limited,
  - (10) Oil India Limited,
  - (11) Oil and Natural Gas Corporation Limited, or
  - (12) any other Government Company or a statutory body or a company or a firm, declared as such by notification in the Official Gazette, to be a “Government Oil Company by the Central Government, for the purposes of this Order;
- <sup>+</sup>[(gg) **“Household”** means a family consisting of husband, wife, unmarried children and dependent parents living together in a dwelling unit having common kitchen:
- Provided that a liquefied petroleum Gas connection shall be issued only in the name of any adult member if the household by a Government oil company under the public distribution system;]
- (h) **“Indian Standard”** shall have the same meaning as assigned to it in clause (g) of section 2 of the Bureau of Indian Standards Act, 1986 (63 of 1986) ;
- (i) **“liquefied petroleum gas (or LPG)”** means a mixture of light hydrocarbons which may include propane, isobutane, normal butane, butylenes etc., which are gaseous at normal ambient temperature and atmospheric pressure but may be condensed

to liquid state at normal ambient temperature by the application of pressure and which conforms to Indian Standard specification number IS 4576;

- (j) “*parallel marketeer*” means any person, firm, company, institution, association of persons, co-operative society or organisation carrying on any or all of the business of importing, storing, bottling, marketing, distributing and /or selling liquefied petroleum gas under the parallel marketing system;
- (k) “*parallel marketing system*” means the system other than the public distribution system, under which a parallel marketeer carries on any or all of the business of importing, storing, bottling, distribution or selling in bulk or in retail, packed or filled in cylinder, liquefied petroleum gas under his own arrangement;
- (l) “*public distribution system*” means the system of distribution, marketing or selling of liquefied petroleum gas by a Government Oil Company at the Government controlled or declared price through a distribution system approved by the Central or a State Government;
- (m) “*pressure regulator*” means the equipment used for regulating the flow and pressure of liquefied petroleum gas from a cylinder to a gas stove;
- +[(mm) “*piped natural gas supplying company*” means any company or a body of a firm exiting or authorised by Petroleum and Natural Gas Regulatory Board for the marketing or distribution or both of gas for supply to consumers, whether household of commercial or industrial establishment.
- (mmm) “*Domestic Reticulated system*” means a system of distribution of Liquefied Petroleum Gas from a bank of cylinders of centralized bulk Liquefied Petroleum Gas storage tank of both through a network of pipelines to different houses within same high-rise or multistory building or group of houses for domestic purpose only.]
- (n) “*Schedule*” means a Schedule appended to this Order;
- (o) “*seal*” means seal put on the cap of the valve of the cylinder for the purpose of sealing a cylinder after it has been filled with liquefied petroleum gas;
- (p) “*storage point*” means the premises licensed by the Chief Controller of Explosive;
- (q) “*transporter*” means a person authorised by a Government Oil Company parallel marketeer or a distributor for transportation of LPG in bulk or in cylinders and also of empty or defective cylinders.

## **The Liquefied Petroleum Gas (Regulation of Supply & Distribution) Order, 2000**

### **3. Restriction on unauthorised possession, supply and consumption of liquefied petroleum gas -**

(1) A <sup>2</sup>[household] having a connection for liquefied petroleum gas under the public distribution system, shall not -

(a) possess more than one connection of liquefied petroleum gas granted under the public distribution system:

Provided that the Central Government or the Chief Executive Officer of a Government Oil Company, may sanction more than one connection of liquefied petroleum gas under the Public Distribution System in favour of any person, keeping in view the difficulty and hardship experienced by such person in obtaining supplies of the LPG;

(b) possess or use liquefied petroleum gas filled in cylinder or in bulk, unless he has received the supply from a Government Oil Company or a distributor authorised by such Company;

(c) use liquefied petroleum gas for any purpose other than for which the consumer is registered with the distributor of a Government Oil Company:

Provided that the Central Government may by a general or special order permit the use of liquefied petroleum gas for such other purposes as, it may, by order, specify.

<sup>3</sup>[(1-A) If any person continues to have domestic Liquefied Petroleum Gas connection taken under public distribution obtaining a piped natural gas connection from any company, public or private, a Government Oil Company shall have the power to cancel domestic Liquefied Petroleum Gas Connection of such piped natural gas consumer after sixty days from its obtaining piped natural gas connection by giving a notice to the domestic Liquefied Petroleum Gas consumer in writing by registered post;]

<sup>1</sup>[(2) The supply of liquid petroleum gas to domestic category consumers shall be made in 5 kg, and 14.2 Kg capacity cylinder and to those falling under non-domestic category <sup>4</sup>[shall be made in 5 Kg, 19 Kg] 35 Kg and 47.5 Kg capacity cylinder, or in such capacity cylinders as may be notified, by the Central Government from time to time.]

(3) No Distributor of a Government Oil company shall supply liquefied petroleum gas filled in cylinder to any person unless he -(a) has been registered and granted a connection for liquefied petroleum gas under the Public Distribution System, or (b) holds a valid authorisation from the Government Oil company.

- (4) No distributor of a Government Oil Company or a parallel marketeer, as the case may be, shall commit or cause to commit any of the activities prohibited herein including those specified in Schedule -1.

**4. Restriction on storage and transport of liquefied petroleum gas -**

- (1) No person shall -

- (a) fill any cylinder with liquefied petroleum gas or transfer liquefied petroleum gas from one cylinder to another cylinder or from one container to another container unless authorised by the Chief Controller of Explosives;
- (b) transport or store a cylinder filled with liquefied petroleum gas except in an upright position;
- (c) store or use or cause to be stored or used a cylinder filled with the liquefied petroleum gas except in a cool, dry, well-ventilated and accessible place under cover, away from boilers, open flames, steam pipes or any potential source of heat;
- (d) remove the seal prior to use of the cylinder:

Provided that the distributor or his authorised representative or the delivery person may remove such seal in the presence of the consumer either for testing, checking or installation of the cylinder;

- (e) use cylinder, pressure regulator and gas cylinder valve other than those specified in Schedules II and III.
- (2) No transporter or delivery person shall deliver or cause to deliver liquefied petroleum gas either in cylinder or in bulk to any person other than the consumer or distributor.

**5. Restriction on sale or distribution of liquefied petroleum gas below or in excess of the standard weight.**

No Government Oil Company, distributor or parallel marketeer shall supply, sell or distribute to a consumer liquefied petroleum gas in cylinders which contains less than or in excess of the weight of liquefied petroleum gas specified in the Schedules II and III or as indicated on the cylinder.

**6. Prohibition on carrying unauthorised business of selling LPG -**

No person other than a Government Oil Company, a parallel marketeer or a distributor shall be engaged in the business of selling liquefied petroleum gas to the consumer.

## **The Liquefied Petroleum Gas (Regulation of Supply & Distribution) Order, 2000**

### **7. Possession , supply or sale of liquefied petroleum gas equipments. -**

- (1) No person shall -
  - (a) supply or sell filled or empty cylinder, gas cylinder valve and pressure regulator to any person other than a Government Oil Company or a parallel marketeer;
  - (b) unless authorised by a Government Oil company or a parallel marketeer, supply or sell filled or empty cylinder, gas cylinder valve and pressure regulator to any person other than a consumer;
  - (c) possess filled or empty cylinder, gas cylinder valve or pressure regulator, unless he is a distributor or a consumer.
- (2) Every manufacturer of cylinder, gas cylinder valve and pressure regulator shall destroy by crushing those cylinders, cylinder valves and pressure regulators which do not conform to the Indian Standards.

### **8. Display of stock and price of liquefied petroleum gas. -**

Every distributor shall prominently display the stock and price of the liquefied petroleum gas at a conspicuous place of the business premises including the storage point, showing-

- (i) the opening balance of filled, empty and defective cylinders and regulators;
- (ii) the back log of preceding working day of the filled cylinders to be supplied;

### **9. Procurement storage and sale of liquefied petroleum gas by a distributor. -**

- (a) No distributor having stock of liquefied petroleum gas at the business premises, including storage point , shall, unless otherwise directed by a Government Oil company or a parallel marketeer, refuse to sell LPG on any working day during working hours, to the consumer registered with that distributor.
- (b) No distributor shall keep his business premises including the storage point closed during working hours on any working day without the prior written permission of the Government Oil Company or the parallel marketeer.

Explanation. - For the purposes of sub-clause (a) and (b), the expression 'working hours' means the working hours fixed by the concerned Government Oil company or the parallel marketeer in accordance with the provisions of the Shops and Establishments Act and the rules made thereunder, as in force in the respective States or the Union territories, as the case may be.

- (c) Every distributor shall take steps to ensure that stocks of liquefied petroleum gas are available at the business premises, including the storage point, at all times.
- (d) No distributor shall sell liquefied petroleum gas at a higher price than that fixed by the Government Oil Company or the parallel marketeer.
- (e) No distributor shall, without prior written permission of the concerned Government Oil Company, refuse to make home delivery at the address of the consumer, as registered with the distributor:

Provided that the State Government may, fix additional charges for home delivered of LPG cylinders to the consumers, as it may deem necessary in view of the geographical terrain and /or the distance in the area of distribution.

- (f) Every distributor shall display the working hours prominently at the place of business including the place of storage on a conspicuous place.

**10. Maintenance of register, account books by a distributor : -**

- (a) Every distributor shall maintain proper accounts of daily purchase, sale and storage of liquefied petroleum gas at the business premises indicating therein, -
  - (i) the opening stock of the filled, empty and defective cylinders;
  - (ii) the number of filled, empty and defective cylinders received during the day;
  - (iii) the number of filled, empty and defective cylinders sold, delivered or otherwise disposed of during the day;
  - (iv) the closing stock of the filled, empty and defective cylinders;
  - (v) such other relevant particulars as the concerned Government Oil Company or the parallel marketeer may by order in writing , specify.
- (b) The distributor shall maintain a register giving the details of names and addresses of persons registered for obtaining liquefied petroleum gas connection.

**11. Assessment and Certificate Rating of parallel marketeers. -**

- (1) (a) No parallel marketeer shall commence any activity, such as, importing, storing, transporting, bottling, marketing, distribution, sale or any activity incidental thereto, relating to the business of liquefied petroleum gas without obtaining a rating certificate, for his capability, infrastructure

## **The Liquefied Petroleum Gas (Regulation of Supply & Distribution) Order, 2000**

network and readiness to carry out professed business and deliver goods and services promised, provision for adequate safety backup for transportation, accident relief during transportation, and attending to emergency complaints of consumers by an agency given in Schedule - IV, on the basis of its evaluation and rating.

- (b) The rating Certificate shall be issued in the format as specified in Schedule - V, and as per the forwarding letter given in Schedule - VI.
- (c) The rating certificate shall -
  - (i) be valid for a period of two years in case of 'good' and 'Satisfactory' rating and one year in case of other ratings from the date of its issue, and
  - (ii) require renewal by the rating agency.
- (2) every parallel marketer announcing details of his activity or inviting offers of any kind in the field of import, transport, marketing, bottling, distribution or sale of liquefied petroleum gas. either in a newspaper, handout, pamphlet, leaflet or by any other means of communication or advertising shall indicate the rating awarded to him in words i.e. Good, Satisfactory, Low-risk, High risk, whichever is applicable, and prominently publish the rating certificate, as given by the rating agency.
- (3) There shall be paid in respect of every application to a rating agency -
  - (i) for the rating certificate awarded to the parallel marketer, a fee at the rate of 0.05% of the project cost, subject to a minimum of rupees fifty thousand and maximum of rupees ten lakhs; and
  - (ii) for the renewal of the rating certificate by the parallel marketer, a fee of one-tenth of that required to be paid for such a certificate.
  - (iii) The renewal of rating certificate by the parallel marketer shall be as per the following periodicity, namely :-
    - (a) once in two years, for those having 'good' and 'satisfactory' rating certificate in the previous year.
    - (b) once in a year for those having rating certificate other than 'good' and 'satisfactory' in the previous year.
- (4) The agencies given in Schedule-IV for the purpose of evaluation shall, on payment of fee by the parallel marketer, evaluate the parallel marketer whose case is either referred to it or who approaches it, on the basis of the parameters indicated

and the information provided by such parallel marketeer in the format as specified in Schedule - VII or such other information as may be required by the rating agency.

- (5) Every parallel marketeer shall file a certified true copy of the certificate of rating with the Ministry of Petroleum and Natural Gas, Oil Co-ordination Committee, Ministry of Food Civil Supplies of the Central and the State Government and Collector of the District in which he imports, transport, bottles, markets, distributes or sells liquefied petroleum gas.
- (6) All letter-heads or communications of a parallel marketeer shall have the following description of rating :-
  - (i) Name of the rating agency,
  - (ii) Rating awarded to him, and
  - (iii) Date of Issue.
- (7) No parallel marketeer shall either give incomplete, incorrect, misleading, vague information in the newspaper, handout, pamphlet, leaflet or advertisement or submit such information to the rating agency;

Provided that a parallel marketeer carrying on the business of transportation, marketeer, distribution or selling of liquefied petroleum gas as an agent of another parallel marketing, who has obtained a rating certificate, shall not be required to obtain a rating certificate.

Explanation: For the purpose of this clause, a parallel marketeer shall be regarded as an agent of another parallel marketeer if the former is appointed an agent for the above purposes by the later through a legal instrument.

**12. Maintenance of records and furnishing of information by parallel marketeer:**

- (a) Every parallel marketeer before commencing the import, transportation, bottling, marketing , distribution or sale of liquefied petroleum gas shall intimate to the Ministry of Petroleum and Natural Gas all or any of the above activities which he intends to undertake, specifying therein capability to do so, and any other relevant particulars.
- (b) The parallel marketeer shall ensure that the quality checks are carried out and the liquefied petroleum gas meets the BIS specification number SI 4576, in all respects before the imported liquefied petroleum gas is discharged into the storage infrastructure at the port.



## **The Liquefied Petroleum Gas (Regulation of Supply & Distribution) Order, 2000**

- (c) The parallel marketer shall ensure that the liquefied petroleum gas meets the BIS specification number IS 4576 before it is sold to any consumer.
- (d) The parallel marketer of liquefied petroleum gas shall submit a monthly return before the 15th day of the following month giving details of liquefied petroleum gas produced and or imported port-wise, to the Ministry of Petroleum and Natural Gas.
- (e) The parallel marketer shall furnish to the Ministry of Petroleum and Natural Gas, or to such authority as may be specified by the Central Government, such information as may be required.

### **13. Power of entry, search and seizure:**

- (1) Any Officer of the Central or the State Government not below the rank of Inspector duly authorised by a general or a special order, by the Central Government or the State Government, as the case may be or any officer of a Government Oil Company not below the rank of Sales Officer, authorised by the Central Government, may, with a view to securing due compliance of this order or any other order made thereunder;
  - (a) Stop and search any vessel or vehicle used or capable of being used for the transport or storage of any petroleum product,
  - (b) enter and search any place,
  - (c) seize stocks of liquefied petroleum gas along with container and /or equipments, such as cylinders, gas cylinder valves, pressure regulators and seals in respect of which he has reason to believe that a contravention of this Order has been, or is being, or is about to be made.
- (2) The sales officer of a Government Oil Company shall be authorised to secure compliance of this order by the distributors appointed under the public distribution system and or by the consumer registered by them.

**14. Overriding effect of the Order.-** The provisions of this Order shall have overriding effect notwithstanding anything contained in any Order made by a State Government or a Union Territory Administration.

**15. Power to exempt-** The Central Government may, if it considers necessary for avoiding any hardship or in consideration of the public interest, by a notification in the Official

Gazette exempt any person or class of persons from all or any of the provisions of this Order, either generally or for any specific purpose, and subject to such conditions as may be specified in the notification

**16. Repeal and savings:**

The Liquefied Petroleum Gas ( Regulation of Supply and Distribution ) Order, 1993 is hereby repealed:

Provided that such repeal shall not effect:

- (a) the previous operation of the said Order or anything duly done or suffered therein; 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 proceedings 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.

# **The Liquefied Petroleum Gas (Regulation of Supply & Distribution) Order, 2000**

## **SCHEDULE -1**

**[see clause 3 (4)]**

### **Prohibited Activities**

#### **( for Government Oil Companies)**

1. Forced sale of Stove / Hotplates to the consumers.
2. Recovery of unauthorised charges from applicant at the time of registration / release of new connection.
3. Supply of partially used cylinder/pilfering product from cylinder/cylinders with pilfered product to LPG consumer.
4. Unauthorised and/ or out of turn release of new LPG connections.
5. Unauthorised diversion of domestic cylinder for non-domestic use of LPG.
6. Acceptance of fake documents including Termination Vouchers and Transfer Termination Vouchers.
7. Possession of spurious LPG equipment.
8. Induction of spurious LPG equipment and / or replacement by a spurious equipment.
9. Manipulation of mandatory records.
10. Non-home delivery of LPG refill supplies to consumer and / or not giving rebate on non-home delivery to LPG consumer.
11. Overcharging by distributor on LPG refill supplies, installation charges, mechanic charges and/ or any other charges authorised by the Government Oil Company.
12. Refusal to register requests for new connection and / or double bottle connection.

### **Prohibited Activities**

#### **( for Parrallel Marketeers)**

1. Forced sale of Stove / Hotplates to the consumers.
2. Supply of partially used cylinder /pilfering product from cylinder / cylinder with

pilfered product to LPG consumer.

3. Possession of spurious LPG equipment.
  4. Induction of spurious LPG equipment and /or replacement by a spurious equipment.
  5. Manipulation of mandatory records.
- +13. Providing domestic Liquefied Petroleum Gas connection to a consumer who is already owning a piped Natural Gas connection.

**Prohibited Activities**

**( for Piped Natural Gas providing companies)**

1. Providing Piped Natural Gas connection to an existing consumer of domestic Liquefied Petroleum Gas of a Government Oil Company without obtaining an undertaking to surrender the Liquefied Petroleum Gas connection within sixty days from the date of obtaining Piped Natural Gas connection.
2. Continue to supply piped natural gas to an existing consumer of domestic Liquefied Petroleum Gas of a Government Oil Company, who has not surrendered domestic Liquefied Petroleum Gas connection after sixty days from the date of obtaining the Piped Natural gas connection.]

**The Liquefied Petroleum Gas (Regulation of Supply & Distribution) Order, 2000**

**Schedule - II**

[See clauses 4 (1) (e) & 5 ]

**Applicable to distributors of a Government Oil Company.**

**Standard size and specification of Liquefied Petroleum Gas Cylinders shall conform to IS 3196 (Part I),1992 Colour code specification IS 4379 and the following:**

<b>Internal diameter of cylinder in mm</b>	<b>Net weight of liquified petroleum gas in the cylinder.</b>
270 mm + 1% - 0%	5 kg + 50 gms -
314 mm + 1% - 0%	14.2 kg + 150 gms -
330.1 mm + 2% - 0%	19kg + 1.0% -
365.0 mm + 1% - 0%	35 kg + 1.0% -
368.3 mm + 1% - 0%	47.5 kg + 1.0% -
( ± indicate the variations on either side )	

NOTE:

1. Standard size and specification of Gas Cylinder Valve under the Public distribution system shall conform to IS 8737 Part II specifications having an outlet collar diameter of 25.6 mm.
2. Pressure regulator shall conform to IS 9798 specification having an inlet diameter of 25.6 mm.

**SCHEDULE -III**

[see clause 4 (1) (e) &amp; (5)]

**(Applicable to Parallel Marketing System)**

A Parallel marketer under the parallel marketing system shall deal with and use:

- (a) Cylinder of any size, shape, design and weight other than those specified in Schedule 'II' conforming to Indian Standard Specifications.
- (b) Gas cylinder valve conforming to IS specification 8737, Part II of any size having an outlet collar diameter of 22.0 mm.
- (c) Pressure regulator conforming to IS specification 9798 of any size and having an inlet diameter other than of 22.0 mm.

**NOTE:**

1. The cylinder used by a parallel marketer shall be provided with a valve protection ring different in shape from that in the cylinder used by a Government Oil Company.
2. The cylinder used by a parallel marketer shall be clearly marked with Colour Band and Logo of their respective company, firm or person marketing liquefied petroleum gas, as approved by the Chief Controller of Explosives.
3. Maximum permissible error on net quantities declared by weight or by volume shall be as below:

Declared quantity	Maximum permissible error in excess or in deficiency	
	%	gm or ml
Gm or ml	%	gm or ml
1000 -10000	1.5%	--
10000-15000	-	150
more than 15000	1.0%	--

**The Liquefied Petroleum Gas (Regulation of Supply & Distribution) Order, 2000**

**SCHEDULE -IV**

[see clause 11 (1) (a) & (4)]

Name and address of agencies for evaluation of a Parallel Marketeer.

	Name	Address
1.	CRISIL ( The Credit Rating Information Services of India Ltd.)	Nirlon House, 2nd Floor, 254 B , Annie Besant Road, Worli , Bombay - 400025.
2.	CARE ( Credit Analysis and Research Ltd)	RBC , Mahindra Towers, 5th Floor , Road No. 13, Worli, Bombay- 400 018.
3.	MDRA (Marketing and Development Research Associates )	Secular House, 9 /1 , Institutional Area, Opp .JNU , N. Delhi -67.
4.	ICRA ( Investment Information Credit Rating Agency of India Ltd.)	Kailash Building , 4th Floor, 26, Kasturba Gandhi Marg, New Delhi -1.

**SCHEDULE - V**

[see clause 11 (1) (b)]

**Rating Certificate for the Parallel Marketeer**

Date of Issue:

Name of Firm / Company :  
Registered Office Address :  
Name of Promoter / Chairman /  
Managing Director  
Activities :  
Particular of Bankers :

Overall Rating

Rating Scale  
Good  
Satisfactory  
Low Risk  
High Risk

Signature and Seal of the Rating Agency.

## Schedule - VI

[ See clause 11 (1) (b)]

**Forwarding Letter for the Certificate of rating.****To whomsoever it may concern**

This is to certify that we have made an evaluation of M/s . \_\_\_\_\_  
 \_\_\_\_\_ for the purpose of issuing  
 certificate and a rating to them in accordance with the provisions of the Liquefied  
 Petroleum Gas ( Regulation of Supply and Distribution), Order, 2000.

We have obtained all the information and explanations which to the best of our knowledge  
 and belief were necessary for the pupose of issuing this certificate. The certificate  
 issued by us is as a result of our examination of the documents, records and assessment  
 of the information obtained by us and the Evaluation of capability, infrastructure network  
 and readiness to carry out professed business, deliver good and services promised by  
 the parallel marketeer. We are satisfied that the information and particulars received  
 and collected by us are sufficient enough us to evaluate M/s \_\_\_\_\_\*\* \_\_\_\_\_ providing  
 the rating as specified. M/s \_\_\_\_\_\*\* \_\_\_\_\_ are awarded \_\_\_\_\_  
 rating

Salient Silent facts about M/s \_\_\_\_\_ \*\* \_\_\_\_\_  
 Are as follows.

1. Total investment planned.
2. Total investment made upto date.
3. Promoters equity.
4. Proposed / likely date of commissioning.

\*\* Name of the parallel marketeer to be indicated.

(Signature and Seal of  
 the Rating Agency)



**The Liquefied Petroleum Gas (Regulation of Supply & Distribution) Order, 2000**

**SCHEDULE - VII**

**[See clause 11 (4)]**

Pro forma of information to be submitted by the Parallel Marketeer for Evaluation /Rating by the Rating Agency.

<b>PARAMETERS</b>	<b>DETAILS</b>
<p><b>1. Market Standing of the Company:</b></p> <p>A. Constitution of the firm.</p> <p>B. Registered Office.</p> <p>C. Location &amp; Addresses of Existing Business.</p> <p>D. Name of Promoters / Directors / Partners.</p> <p>E. Background and full anticidents of Promoters/ directors / Partners.</p> <p>F. Networth of Promoters / Directors / Partners.</p> <p>G. Current Activity.</p> <p>H. Details of existing operations of the Parallel Marketeer and/or his group of companies.</p> <p>I. Audited A/cs for three years of the promoter firm and group concerns with details of promoters constitution.</p> <p>J. Working Capital requirement for new Business pertaining to Parallel Marketing with resume of proposed scheme.</p> <p>K. Implementation record of typical projects already undertaken, in terms of cost, time , nature of projects and technology involved.</p> <p>L. Business plans and projected cash flows.</p> <p>M. Sourcing of funds for existing and proposed Business.</p> <p>N. Performance of Parallel Marketeer in his other group companies for last three years with income tax clearance certificate</p>	

PARAMETERS	DETAILS
<p><b>2. Marketing Plans for Liquefied Petroleum Gas:</b></p> <p>2.1 Infrastructure for Liquefied Petroleum Gas Sourcing / Handling:</p> <p>A. Import Locations identified.</p> <p>B. Proposed size of import parcels.</p> <p>C. Status of approvals (Ports / Statutory / State Government / Chief Controller of Explosives / Environment / Milestone achieved with squared network -local authorities)</p> <p>D. Status of Progress.</p> <p>E. Details of Technological tie ups, if any.</p> <p>F. Business Proposals / Project Feasibility report, Financial Details and Financial risk analysis.</p> <p>2.2 Commercial arrangements and /or consortium for Liquefied Petroleum gas (if own facilities are not planned):</p> <p>A. Any tie up arrangement finalized with importer.</p> <p>B. The supporting agreements / documents for such tie up.</p> <p>C. The quantum of product to be imported with minimum guarantee.</p> <p>D. Details of Storage &amp; Handling of product at the import location / tie up agreement.</p> <p>E. Fall back arrangement to meet the shortfall in case the tie up arrangement does not materialise.</p> <p><b>3. Storage and Distribution arrangement for Liquefied Petroleum Gas planned:</b></p> <p>A. Details of Storage facilities of Depots / Bottling plants with their capacities.</p> <p>B. Status of progress on items mentioned above.</p>	

**The Liquefied Petroleum Gas (Regulation of Supply & Distribution) Order, 2000**

PARAMETERS	DETAILS
<p>C. Plant &amp; Equipment / Technological details.</p> <p>D. Details of manpower and the arrangement to handle the product.</p> <p>E. Details of designs and standards to be followed for constructions and operation of these facilities.</p> <p>F. Status of approvals for the facilities.</p> <p>G. Details of arrangements for procurement of Cylinders / Valves / Regulators.</p> <p>H. Whether the bottling plants are as per safety standards- Oil Industry Safety Directorate 144/ 169.</p> <p><b>4. Arrangements planned to reach the product to consumption Centres / Markets:</b></p> <p>A. Details of distributor network planned / already appointed.</p> <p>B. Details of the basis for distributors appointment.</p> <p>C. Details of showroom/ sales room/ office and godown planned / existing along with status of approvals.</p> <p>D. Details of Distribution arrangements between the distributors godown and the consumer.</p> <p><b>5. Product Familiarity Training and Provision for safety:</b></p> <p>A. Operational knowledge of product ( Liquefied Petroleum Gas) and its handling</p> <p>B. The capability and preparedness to meet the safety requirement in Liquefied Petroleum Gas, Its transportation and accident relief during transportation.</p> <p>C. Plans for training the staff and the consumer on safe handling of equipment / product.</p> <p>D. Recruitment policy and standards for the staff.</p> <p>E. Familiarity with gas Control Orders, Explosives Rules and Other applicable local acts.</p>	

PARAMETERS	DETAILS
<p>F. Details for arrangements for attending emergency complaints of consumers.</p> <p><b>6. Marketing Discipline and Guidelines proposed to be adopted:</b></p> <p>A. Code of conduct for distributors and delivery men.</p> <p>B. System to monitor and control adulteration and unauthorised diversion of products.</p> <p><b>7. Organisation in place/ proposed for the parallel marketing of Liquefied Petroleum Gas:</b></p> <p>A. Details of Organisational Structure.</p> <p>B. Level of managerial involvement of the promoter.</p> <p>C. Source of financing the Liquefied Petroleum Gas parallel marketing including the infrastructure.</p> <p>D. Any other relevant details which the parallel marketeer would like to provide.</p> <p><b>8. Financial Commitment:</b></p> <p>A. Total estimated project cost.</p> <p>B. Planned ( Phase -wise) resource mobilisation.</p> <p>C. Resources arranged and investment made as on date.....</p> <p>D. Proof of A, B and C above.</p>	
* Extra Sheets may be used, if required.	

Date

Signature \_\_\_\_\_

M/s. \_\_\_\_\_

(Parallel Marketeer )

Address \_\_\_\_\_

[F.No. P-17011/25/97-Mkt]



**THE LIQUEFIED PETROLEUM GAS  
(REGULATION OF USE IN MOTOR VEHICLE) ORDER, 2001.**

**Ministry of Petroleum and Natural Gas,**

New Delhi.

**Dated August 1, 2001.**

Order

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**No. G.S.R. 569 (E)** - In exercise of the powers conferred by Section 3 of the **Essential Commodities Act, 1955** (10 of 1955) the Central Government hereby makes the following order, namely:-

**1. Short title and Commencement.**

- (1) This order may be called **The Liquefied Petroleum Gas (Regulation of Use in Motor Vehicle) Order 2001**.
- (2) It extends to the whole of India.
- (3) It shall come into force on the date of its publication in the *Official Gazette*.

**+2. Definitions.**

In this order, unless the context otherwise requires –

- (a) **‘Auto Liquefied Petroleum Gas (auto LPG)’** means a mixture of certain light hydrocarbons derived from petroleum, which are gaseous at normal ambient temperature and atmospheric pressure but may be condensed to the liquid state at normal ambient temperature by the application of moderate pressure, and which conforms to the Indian Standard Specification No. IS 14861;
- (b) **‘Auto Liquefied Petroleum Gas Dispensing Station’** means the premises used for storing and dispensing auto LPG to the motor vehicles for automotive purpose;
- (c) **‘Auto Liquefied Petroleum Gas Dispensing Station Dealer’** means a person, firm, association of persons, company, institution, organization or a co-operative society appointed by a Government Oil Company or a parallel marketer and engaged in the Liquefied Petroleum Gas and licensed by the Chief Controller of Explosives under the Static and Mobile Pressure Vessels (Unfired) Rules, 1981;
- (d) **‘Auto Liquefied Petroleum Gas Import Substitution’** means import of auto LPG by a Government Oil Company or parallel marketer for auto LPG, as a substitution for -

## The Liquefied Petroleum Gas (Regulation of Use in Motor Vehicle) Order, 2001

- (i) use of indigenous Liquefied Petroleum Gas as auto LPG, produced from specific refineries or fractionators, authorised by the Central Government;
  - (ii) Liquefied Petroleum Gas through petrochemical units as authorised by central Government from time to time, conforming to Indian Standard Specification IS: 14861;
- (e) **‘Auto Liquefied Petroleum Gas Tank’** means a steel container for storage and transport of auto liquefied petroleum gas fitted permanently in a motor vehicle or vehicle as its fuel tank, for automotive fuel and filled in that position, having a volume exceeding five hundred milliliters but less than thousand litres, as approved by the Chief Controller of Explosives under Gas Cylinder Rules, 1981, and conforming to Indian Standard Specification IS: 14899;
- (f) **‘Chief Controller of Explosives’** shall have same meaning assigned to it. in the Explosives Act, 1884 (4 of 1884);
- (g) **‘Consumer’** means a registered owner of a motor vehicle or vehicle fitted with an Auto Liquefied Petroleum Gas Tank and a conversion kit as notified by the Government of India in the Ministry of Road Transport and Highways, and runs such motor vehicle by using auto LPG as automotive fuel alone or with some other petroleum fuel;
- (h) **‘Conversion kit or original equipment manufacturer (OEM) fittings’** mean a complete system assembly, duly tested by one of the testing agencies mentioned in the Central Motor Vehicles Rules, 2001, and approved by the Ministry of Road Transport and Highways, in a bi-fuel mode;
- (i) **‘Government Oil Company’** means an oil refining company or oil marketing company being a Government Company as defined in section 617 of the Companies Act, 1956 (1 of 1956) and specified in Schedule V;
- (j) **‘Government Oil Company System’** means the system under which a Government Oil Company carries on any or all of the business of importing (including Auto LPG Import Substitution), storing, distribution or selling LPG for automotive purpose through dispensing stations;
- (k) **‘Indian Standard’** shall have the same meaning as assigned to it in clause (g) of section 2 of the Bureau of Indian Standards Act, 1986 (63 of 1986);
- (l) **‘Motor Vehicle’** or **‘Vehicle’** shall have the same meaning assigned to it in sub-section (28) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988);

- (m) **‘Parallel marketer for auto LPG’** means any person, firm, company, institution, association of persons, co-operative society or organization other than a Government Oil Company carrying on all or any of the business of importing (including Auto LPG Import Substitution), storing, marketing, distributing and selling or auto LPG for automotive purpose under the parallel marketing system and having a rating certificate as specified in Schedule II;
  - (n) **‘Parallel marketing system for auto LPG’** means the system, other than the system followed by the Government Oil Company in marketing auto LPG, under which a parallel marketer carries on all or any of the business of importing (including Auto LPG Import Substitution), storing, distribution or selling auto LPG through dispensing stations under his own arrangement;
  - (o) **‘Schedule’** means the Schedule appended to this **Order**.
- + **Substituted by G S R No. 99(E), dated 24.02.2010.**

**3. Restriction on unauthorized acquisition or sale of auto LPG.**

- (1) No person shall acquire, sell, store for sale, supply, fill or distribute auto LPG to a consumer except according to the provisions contained in this order.
- (2) No person shall store, supply, sell or dispense auto LPG unless he is an auto LPG dispensing station dealer.
- (3) No person shall purchase or use auto LPG in a motor vehicle or vehicle unless it is fitted with the auto LPG tank permanently fitted in. the motor vehicle and a conversion kit as approved by the authorities/testing agencies as notified in the Central Motor Vehicle Rules, 2001.
- (4) No auto LPG dispensing station dealer or any other person acting on his behalf shall fill the auto LPG tank permanently fitted in the motor vehicle in excess of eighty percent of its total volumetric capacity.
- (5) No auto LPG dispensing station dealer shall dispense auto LPG to any consumer using motor vehicle fitted with auto LPG tank permanently fitted in the motor vehicle and conversion/OEM dual fuel kit, which is not approved as per sub-paragraph(3),
- (6) No auto\_LPG dispensing station dealer shall dispense Auto LPG unless received from Government Oil Companies/parallel marketeers and conforming to auto LPG specification i.e. Indian Standard Specification No. IS : 14861 as amended from time to time.



## **The Liquefied Petroleum Gas (Regulation of Use in Motor Vehicle) Order, 2001**

### **4. Display of stock and price of auto LPG.**

Every auto LPG dispensing station dealer shall prominently display the stock and selling price of auto LPG at a conspicuous place of the auto LPG dispensing station.

### **5. Procurement, storage and sale of auto LPG by the auto LPG dispensing station dealer.**

- (1) Every auto LPG dispensing station dealer shall procure or purchase auto LPG from either a Government Oil Company or a parallel marketer.
- (2) Every auto LPG dispensing station dealer shall display the working hours prominently at the place of auto LPG dispensing station at a conspicuous place.
- (3) No auto LPG dispensing station dealer having stock of auto LPG at the auto LPG dispensing station including the storage point, shall, unless otherwise directed by a Government Oil company or a parallel marketer, refuse to sell auto LPG on any working day during working hours to a consumer.

+[(4) Every auto LPG dispensing station dealer shall —

- (i) not keep the auto L P G dispensing station premises including the storage point closed during the working hours, on any day without the prior written permission of the Government Oil company or a parallel marketer;
- (ii) prominently display the written permission obtained for keeping the premises, storage points, including the auto LPG dispensing station, closed during working hours on any day at a conspicuous place of the auto P G dispensing station.

**Explanation** — For the purpose of sub-paragraphs (2), (3) and

- (4) the expression working hours means the working hours fixed by the concerned Government Oil Company or a parallel marketer in accordance with the provisions of the Shops and Establishment Act, and the rules made thereunder, as in force in the respective State or Union Territory, as the case may be.]
- (5) Every auto LPG dispensing station dealer shall take steps to ensure adequate availability of stocks of auto LPG at the auto LPG dispensing station at all times.
- (6) No auto LPG dispensing station' dealer shall sell auto LPG at a price higher than that fixed by the Government Oil Company or a parallel marketer, *as* the case may.be.

+ **Substituted by G S R No. 99(E), dated 24.02.2010**

**6. Assessment and certification rating of parallel marketers.**

- (1) (a) No parallel marketer shall commence any activity, such as, import (including Auto LPG Import Substitution), transport, marketing, distribution, sale or any activity incidental thereto, relating to the business of auto LPG to be used as automotive fuel without obtaining a minimum of low risk rating certificate, on the basis of evaluation and rating for his capability, infrastructure network and readiness to carry out professed business and delivery of goods and services promised by him by an agency specified in Schedule I:

Provided that a parallel marketer carrying on the business of transportation, marketing, distribution or selling of auto LPG for automotive fuel, as an agent of another parallel marketer, who has obtained a minimum of low risk rating certificate, shall not be required to obtain a rating certificate.

**Explanation** - For the purpose of this sub-paragraph, a parallel marketer shall be an agent of another parallel marketer if the former is appointed as such, for the above purposes by the latter through a legal instrument.

- (b) The rating certificate shall be issued in the format as specified in schedule II and as per the forwarding letter given in schedule IV.
- (2) the rating certificate shall,
- (i) be valid for a period of two years in case of 'Good' and 'satisfactory' rating and one year in case of other ratings from the date of its issue, and
- (ii) require renewal by the rating agency.
- (3) Every parallel marketer announcing details of the activity or inviting offers of any kind in the field of import (including auto LPG Import Substitution), transport, marketing, distribution or sale of auto LPG for automotive fuel, either in a newspaper, handout, pamphlet, leaflet or by any other means of communication or advertising shall- indicate the rating awarded to him in words i.e. Good, Satisfactory, Low-Risk, High-Risk, whichever is applicable, and prominently publish the rating certificate, as given by the rating agency.
- (4) There shall be paid in respect of every application to a rating agency-
- (i) For the rating certificate awarded to the parallel marketer, a fee at the rate of 0.05% of the project cost, subject to a minimum of rupees fifty thousand and maximum of rupees ten lakhs and.

## **The Liquefied Petroleum Gas (Regulation of Use in Motor Vehicle) Order, 2001**

- (ii) for the renewal of the rating certificate by the parallel marketer, a fee of one-tenth of that required to be paid for such a certificate;
- (iii) the renewal of the rating certificate by the parallel marketer shall be as per the following periodicity, namely:-
  - (a) once in two years, for those having 'Good' and 'satisfactory' rating certificate in the previous year;
  - (b) once in a year for those having rating certificate other than 'Good' and 'Satisfactory' in the previous year;
- (5) The agencies given in Schedule I for the purpose of evaluation shall, on payment of fee by the parallel marketer, evaluate the parallel marketer whose case is either referred to it or who approaches it, on the basis of the parameters indicated and the information provided by such parallel marketer in the format as specified in Schedule III or such other, information as may be required by the rating agency.
- (6) Every parallel marketer shall file a certified true copy of the certificate of rating with the Ministry of Petroleum and Natural Gas, Oil Coordination Committee, Ministry of Food and Civil Supplies of the Central and the State Government and Collector of the District in which he imports (including Auto LPG Import Substitution), transports, markets, distributes or sells auto LPG for automotive fuel.
  - (a) All letterheads or communications of a parallel marketer shall have the following description of rating, namely:-
    - (i) Name of the rating agency,
    - (ii) Rating awarded to him, and
    - (iii) Date of Issue.
  - (b) No parallel marketer shall either give incomplete, incorrect, misleading, vague information in the newspaper, handout, pamphlet, leaflet or advertisement or submit such information to the rating agency.

### **7. Maintenance of registers, accounts books and submission of return by the dealer.**

Every auto LPG dispensing station dealer shall maintain accounts of daily purchase, sale and storage of auto LPG as an automotive fuel at the auto LPG dispensing station and/or storage point, indicating therein the opening and closing stock of auto LPG and such other relevant particulars as the Government Oil Company or the parallel marketer may, by order, in writing, specify.

**8. Maintenance of records and furnishing of information by parallel marketers.**

- (1) Every parallel 'marketeer before commencing the import (including Auto LPG import Substitution), transportation, marketing, distribution or sale of auto LPG as an automotive fuel shall intimate to the Ministry of Petroleum and Natural Gas, all or any of the above activities which he intends to undertake, specifying therein capability to do so, and any other relevant particulars.
- (2) Every parallel marketeer shall submit a monthly return before the 15th day of the following month giving details of auto LPG imported port wise (including Auto LPG Import Substitution, sourcewise) to the Ministry of Petroleum and Natural Gas/Oil Coordination Committee.
- (3) Every parallel marketer shall furnish to the Ministry of Petroleum and Natural Gas, or to such authority as may be specified by the Central Government, such information as may be required.

**9. Power of entry, search and seizure.**

- (1) Any officer of the Central or the State Government, not below the rank of Inspector duly authorized; by general or special order, by the Central Government or State Government, as the case may be, or any officer of a Government Oil company not below the rank of Sales Officer, authorized by the Central Government, may, with a view to securing due compliance with the provisions of this order, or for the purpose of satisfying himself that this order or any other order made - thereunder has been complied with-
  - (a) enter and search any place or premises being made use of or suspected to be made use by a dealer, parallel marketeer, transporter, consumer or any other person who is an employee or agent of such dealer or transporter or consumer or parallel marketeer or any other person, with respect to which there is reason to believe that the provisions of this order have been or are being or are about to be contravened;
  - (b) stop and search any vessel or vehicle or receptacle used- or capable of being used for the transport or storage of auto LPG;
  - (c) inspect any book of accounts or other documents or any stock of the product used or suspected to be used in the business of the dealer, parallel marketeer, transporter, consumer or any other person suspected to be an employee or agent of the dealer, transporter, parallel marketeer or consumer;

## **The Liquefied Petroleum Gas (Regulation of Use in Motor Vehicle) Order, 2001**

- (d) seize stocks of the products which he has reason to believe has been or is being or is about to be used in contravention of this order and take or authorize the taking of all measures necessary for securing the production of stocks or items so seized before the Collector having jurisdiction under the provisions of the Essential Commodities Act, 1955 (10 of 1955) and for their safe custody pending such production;
- (e) while exercising the power of seizure under item (d) of Sub-paragraph (1), the authorized officer shall record in writing the reasons for doing so, a copy of which shall be given to the dealer, parallel marketeer, transporter, consumer or any other concerned person.
- (2) The sales officer of a Government Oil Company shall be authorized, to secure compliance of this order, by the auto LPG dispensing- dealers appointed by the Government Oil companies.
- (3) The provisions of Section 100 of the Code of Criminal Procedure, ,1973 (2 of 1974), relating to search and seizure shall, as far as may be, apply to searches and seizures under this order.

### **10. Overriding effect of the Order.**

The provisions of this order shall have overriding effect notwithstanding 'anything contained in any other order made by a State Government or a Union territory Administration.

### **11. Power to exempt.**

The Central Government may, if it considers necessary, for avoiding any hardship or in consideration of public interest, by notification in the *Official Gazette*, exempt any person or class of persons from all or any of the provisions of this order,. either generally or for any specific purpose, subject to such conditions as may be specified in the notification.

### **12. Repeal and Savings.**

The Liquefied Petroleum Gas (Restriction. on Use) Order, 1974 is hereby repealed:

Provided that such repeal shall not effect:

- (a) the previous operations of the said order or anything duly done or suffered therein; 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 proceedings 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.

**Schedule I**

*[See Paragraph 6(1) (a) and 6(5)]*

Name And Address of Agencies For Evaluation/Rating a Parallel  
Marketeer

	Name	Address
1	CRISIL(The Credit Rating Information Services Of India Ltd.)	Nirlon house, 2nd Floor, 254-B, Annie Besant Road, Worli, Bombay- 400025
2.	CARE(Credit Analysis and Research Ltd.)	RBC,Mahindra Towers, 5th Floor, Road No. 13, Worli, Bombay- 400018
3.	MDRA.(Marketing and Development Research Associates)	Secular House, 9/1, Institutional Area, Oppo. JNU, New Delhi-67
4.	ICRA(Investment Information Credit Rating Agency of India Ltd.)	Kailash Building,4th Floor; 26, Kasturba Gandhi Marg, New Delhi-1

**The Liquefied Petroleum Gas (Regulation of Use in Motor Vehicle) Order, 2001**

**Schedule II**

*[See Paragraph 6(a) (b)]*

Rating Certificate for the Parallel Marketeer

Date of Issue. ....

Name of Firm/Company:

Registered Officer Address:

Name of Promoter/Chairman/Managing Director:

Activities:

Particular of Bankers:

Overall Rating.....

Rating Scale

Good

Satisfactory

Low Risk

High Risk

Signature and Seal of the Rating  
Agency

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**Schedule III**

*[See Paragraph 6(5)]*

Proforma of Information to be Submitted by the Parallel Marketeer for Evaluation / Rating by the Rating Agency.

	Parameters	Details*
1.	Market Standing of the Company: A. Constitution of the firm. B. Registered Office.	

	C. Location and Addresses of Existing Business.	
	D. Name of Promoters/Directors/ Partners.	
	E. Background and full antecedents of promoters/ directors/partners.	
	F. Networth of Promoters/ Directors/ Partners.	
	G. Current Activity.	
	H. Details of existing operations of the Parallel Marketer and/or his group of companies.	
	I Audited A/Cs for three years of the promoter firm and group concerns.with detailk of promoters constitution:	
	J. Working capital requirement for new business pertaining to Parallel Marketing with resume of proposed scheme.	
	K. Implementation record of typical projects already undertaken, in.terms of cost,time, nature of projects and technology involved.	
	L. Business plans- and projected cash 'flows.	
	M. Sourcing of funds for existing and proposed business.	
	N. Performance of Parallel Marketeer in his other group companies for last three years with income tax clearance certificate.	
2.	Marketing Plans for auto LPG;	
	2.1 Infrastructure for auto LPG. Sourcing/Handling;	
	A. Import locations identified.	
	B. Proposed size of import parcels.	
	C. Status of approvals (ports/statutory/State Government/ Chief Controller of Explosives/Environment/ Milestone achieved with squared network-local authorities).	
	D. Status of Progress.	
	E. Details of Technological tie ups, if any.	
	F. Business Proposals/Project feasibility report, Financial details and Financial risk analysis.	



## The Liquefied Petroleum Gas (Regulation of Use in Motor Vehicle) Order, 2001

The Liquefied Petroleum Gas (Regulation of Use in Motor vehicle) Order. 2001.

2.2	Commercial arrangements and/or consortium for LPG/ auto LPG (if own facilities are not planned):	
	A. Any tie up arrangement finalized with importer.	
	B. The supporting agreements/ documents for such tie up.	
	C. The quantum of product to be imported with minimum guarantee.	
	D. Details of storage and handling of product at the import location/tie up agreement.	
	E. Fall back arrangement to meet the shortfall in case the tie up arrangement does not materialize.	
3.	Storage and Distribution Arrangement for auto LPG planned:	
	A. Details of storage facilities for auto LPG with their capacities.	
	B. Status of progress on items mentioned above.	
	C. Plant and Equipment/Technological details.	
	D. Details of manpower and the arrangement to handle the product.	
	E. Details of designs and standards to followed for construction and operation of these facilities.	
	F. Status of approvals for the facilities.	
4.	Arrangements planned to reach the product to Consumption Centers/Market:	
	A. Details of distributor network planned/ already appointed.	
	B. Details of the basis for dealers appointment.	
	C. Details of facilities planned and or existing for storage and distribution, showroom/sales room/Office along with status of approvals.	

5.	Product familiarity, Training and Provision for Safety:	
	A. Operational knowledge of product. (Liquefied Petroleum Gas) and its handling.	
	B. The capability and preparedness to meet the safety requirement in Liquefied Petroleum Gas, its transportation and accident relief during transportation.	
	C. Plans for training the staff and the consumer on safe handling of equipment/product.	
	D. Recruitment policy and standards for the staff.	
	E. Familiarity with Gas Control Orders, Explosives Rules and applicable local acts.	
	F. Details of arrangement for handling the emergencies.	
	G. System for handling/redressal of customer complaint(s).	
6.	Marketing discipline and guidelines proposed to be adopted:	
	A. System to monitor and control diversion of auto LPG.	
7.	Organization in place/proposed for the parallel marketing of auto LPG:	
	A. Details of Organizational Structure	
	B. Level of managerial involvement of the promoter.	
	C. Source of financing the parallel marketing of auto LPG including the infrastructure.	
8.	Financial Commitment.	

Date

Signature \_\_\_\_\_

M/s. \_\_\_\_\_

(Parallel Marketeer )

Address \_\_\_\_\_

**The Liquefied Petroleum Gas (Regulation of Use in Motor Vehicle) Order, 2001**

**Schedule IV**

*[See Clause 6(1) (b)]*

Forwarding Letter For the Certificate of Rating

**To whomsoever it may concern.**

This is to certify that we have made an evaluation of M/s. ....  
..... for the purpose of  
issuing certificate and a rating to them in accordance with the provisions of the Liquefied  
Petroleum, Gas (Regulation of Use in Motor Vehicles) Order, 2001.

We have obtained all the information and explanations which to the best of our knowledge  
and belief were necessary for the purpose of issuing this certificate. The certificate  
issued by us is as a result of our examination of the documents, records and assessment  
of the information obtained by tis.and the evaluation of capability, infrastructure network  
and readiness to carry out professed business, deliver good and . services promised by  
the parallel marketer. We are satisfied that the information and particulars received and  
collected by us are sufficient enough

to enable us to evaluate M/s. .... \*\* providing the  
rating as specified.

M/s.....\*\* .....are awarded Rating.

Salient facts about M/s ..... \*\* ..... are as  
follows:- .

1. Total investment planned.
2. Total investment made up to date.
3. Promoter's equity.
4. Proposed/likely date of commissioning.

\*\* Name of the parallel marketer to be indicated.

(Signature and seal of the Rating Agency).

**+ [Schedule V**

*[See paragraph 2(z)]*

List of Government Oil Companies.

- (i) the Bharat Petroleum Corporation Limited;
- (ii) Bongaigaon Refinery and Petrochemicals Limited;
- (iii) Chennai Petroleum Corporation Limited,
- (iv) the Gas. Authority of India Limited,
- (v) the Hindustan Petroleum Corporation Limited,
- (vi) the Indian Oil Corporation Limited,
- (vii) the IBP Co. Limited;
- (viii) Kochi Refineries Limited;
- (ix) Mangalore Refinery and Petrochemicals Limited;

Or

- (x) Numaligarh Refinery Limited;
- (xi) Oil India Limited;
- (xii) Oil and Natural Gas Corporation Limited.]

**+ Inserted by GSR No. 99 (E), dated 24.02.2010.**



**THE MOTOR SPIRIT AND HIGH SPEED DIESEL  
(REGULATION OF SUPPLY, DISTRIBUTION AND PREVENTION  
OF MALPRACTICES) ORDER 2005.**

**Ministry of Petroleum and Natural Gas,  
Dated December 19, 2005.**

**Order**

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**No. G.S.R. 729 (E)** - In exercise of the powers conferred by Section 3 of the **Essential Commodities Act, 1955** (10 of 1955), and in supersession of Motor Spirit and High Speed Diesel (Regulation of Supply, Distribution and Prevention of Malpractices) Order, 1998 except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following order, namely:-

**1. Short title, extent and commencement.**

- (1) This order may be called **The Motor Spirit and High Speed Diesel (Regulation of Supply, Distribution and Prevention of Malpractices) Order 2005**;
- (2) It extends to the whole of India;
- (3) It shall come into force on the date of its publication in the *Official Gazette*.

**2. Definitions.**

In this order, unless the context otherwise requires.

- (a) “Adulteration” means <sup>1</sup>[—] the introduction of any foreign substance into motor spirit or high speed diesel illegally or unauthorizedly with the result that the product does not conform to the requirements of the Bureau of Indian Standards Specification Numbers IS 2796 and IS 1460 for motor spirit and high speed diesel respectively or any other requirement notified by the Central Government from time to time;
- (b) “**Authorized Officer**” means an officer authorized under the provisions of Clause 7:
- (c) “**Consumer**” means a person who purchases product from an oil company or a dealer appointed by an oil company and stores or utilizes the product for his own consumption and includes his representatives, employees and agents;
- (d) “**Dealer**” means a person duly appointed by an oil company to purchase, receive, store and sell motor spirit and high speed diesel oil whether or not in conjunction

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with any other business and shall include his representatives, employees and agents;

- (e) **“High Speed Diesel”** means any hydrocarbon oil, excluding mineral colza oil and turpentine substitute, which meets the requirements of Bureau of Indian Standards Specification Number IS 1460<sup>2</sup>[—————1];
- (f) **“Malpractices”** shall include the following acts of omission and commission in respect of motor spirit and high speed diesel;
  - (i) Adulteration,
  - (ii) Pilferage,
  - (iii) Stock variation,
  - (iv) Unauthorized exchange,
  - (v) Unauthorized purchase,
  - (vi) Unauthorized sale,
  - (vii) Unauthorized possession,
  - (viii) Overcharging,
  - (ix) Sale of off-specification product, and
  - (x) Short delivery;

<sup>3</sup>**[(fl) “Marker”—————]**

- (g) **“Motor Spirit”** means any hydrocarbon. oil, excluding crude mineral oil, which meets the requirements of Bureau of Indian Standards Specification Number IS 2796 <sup>2</sup>[—————1];
- (h) **“Oil Company”** means the Indian Oil Corporation Limited, the **Hindustan.**, Petroleum Corporation Limited, the Bharat Petroleum’ Corporation Limited, the IBP Co. Limited or any person, firm or company duly authorized by the Central Government who is engaged in marketing and sale of motor spirit or high speed diesel directly to consumers or dealers in accordance with the stipulations laid down by the Central Government form time to time;
- (i) **“Petroleum”** shall have the meaning assigned to it in the Petroleum Act, 1934;
- (j) **“Pilferage”** means stealing or attempt to steal product from a container used for transportation of the product or from a receptacle used for storage of the

product and shall include any unauthorized attempt or act of tampering with such container or receptacle;

- (k) **“Product”** means motor spirit and high speed diesel;
- (l) **“Schedule”** means the Schedule appended to this order;
- (m) **“Stock variation”** means variation beyond the norms for permissible variation in stocks as specified in Schedule I;

<sup>3</sup>[(m1) **“Test kit”** -----;]

- (n) **“Transporter”** means a person duly authorized by an oil company, a dealer or a consumer, to transport motor spirit or high speed diesel and shall include his representatives; employees and agents;
- (o) **“Unauthorized exchange”** means transfer or receipt of the product from a dealer or consumer to another dealer or consumer or to any other person in contravention of the directives issued by the State Government or the oil companies;
- (p) **“Unauthorized purchase”** means purchase of the product from sources other than those authorized by the oil companies;
- (q) **“Unauthorized sale”** means sale of product by a dealer or consumer to another dealer or consumer or to any other person in contravention of the directive issued for the purpose by the State Government or the oil companies or in contravention of any provision of this order;
- (r) **“Unauthorized possession”** means keeping of motor spirit or high speed diesel or any petroleum product or its mixture, in contravention of the provisions of this order, under the control of dealer or any other person without valid sales documents issued by the concerned oil company;
- (s) **“Overcharging”** means sale of motor spirit or high speed diesel by a dealer at a price/rate higher than that authorized by an oil company from which the dealer has purchased the product;
- (t) **“Sale of off-specification product”** means sale of motor spirit or high speed diesel by dealer Of <sup>4</sup>[—] quality not conforming to Bureau of Indian Standards Specification Numbers IS 2796 and IS 1460 for motor spirit or high speed diesel respectively.

1. The words **“presence of marker in motor spirit and high speed diesel and/or”** inserted by G S R NO. 18(E) dated 12.1.2007 are deleted by G S R 1(E) dated 31.12.2008.



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- 2. The Words “and also does not contain any traces of marker” inserted by G S R NO. 18(E) dated 12.1.2007 but deleted by G S R 1(E) dated 31.12.2008.**
- 3. Items inserted by G S R No. 18(E) dated 12.1.2007 but deleted by G S R 1(E) dated 31.12.2008.**
- 4. The Words “having traces of marker and/or” inserted by G S R No. 18(E) dated 12.1.2007 but deleted by G S R 1(E) dated 31.12.2008.**

**3. Product supply and transportation.**

- (1) The product from the supply point shall be transported by the transporter in a container or tank-truck certified to be fit by the explosives authorities, transport authorities and oil company to carry the product with accurate calibration as certified by the weights and measures authorities and supported by delivery documents and deliver the same to the storage or dispensing point in the same condition as delivered to him by the originating supply point both in respect of quality and quantity.
- (2) The transporter shall ensure that the product is transported only in containers or tank-truck which is properly sealed and locked.
- (3) The dealer or consumer shall inspect such container or tank-truck in which he receives the product to ensure,-
  - (a) that the container or tank-truck, including the seal and lock is not in any manner tampered with;
  - (b) that the quantity and quality of the product is as per delivery documents issued by the oil company and the quality of the product conforms to the requirements of the Bureau of Indian Standard Specification Numbers IS 2796 and IS 1460 for motor spirit and high speed diesel respectively. For this purpose, the oil company shall indicate density of the product at 15 degree centigrade in the delivery documents and the dealer or consumer shall maintain a record of densities and keep samples of product duly signed jointly by him and the driver of tank-truck and also take other measures as prescribed by the oil company. The variation in density at 15 degree centigrade of the product in tank-truck compared to the density mentioned in delivery documents should not be more than +/-0.0030;
- (4) No person other than the dealer or oil company shall be engaged in the business of selling product.

- (5) No person shall sell or agree to sell any petroleum product or its mixture other than motor spirit or high speed diesel or any other fuel authorized by the Central Government in any form, under any name, brand or nomenclature, which can be and is meant to be used as fuel in any type of automobile vehicles fitted with spark ignition engines or compression ignition engines.
- (6) No dealer, transporter, consumer or any other person shall indulge in any manner in any one or more of the malpractices.
- (7) The delivery or sale of motor spirit and high speed diesel shall be made by a dealer of oil company only from authorized retail pump outlet.

**4. Restriction an marketing of motor spirit and high speed diesel.** No person, other than those authorized by the Central Government, shall market and sell motor spirit or high speed diesel to consumers or dealers.’

**5. Grant of authorization to market motor spirit and high speed**

- (1) Whosoever desired to secure authorization to market and sell motor spirit and high speed diesel shall submit and application to the Central Government as per the form given in Schedule II along with a fee of Rupees Ten lakhs either by way of banker’s cheque or demand draft in favour of Pay and Accounts Officer, Ministry of Petroleum and Natural Gas payable at New Delhi.
- (2) After scrutiny of the application, the Central Government shall, if it is satisfied with the details furnished by the applicant, after requiring the applicant to furnish bank guarantee for an amount specified by the GOVERNMENT, issue authorization to market motor spirit and high speed diesel indicating the terms and conditions of such authorization.
- (3) The Central Government, if it is satisfied that any of the conditions relating to the authorization as specified in clause have been violated, may cancel the authorization issued under this clause;

Provided that before cancellation of the authorization he shall be afforded an opportunity of being heard.

**6. Supply of motor spirit and high speed diesel blended with ethanol and bio-diesel.**

The Central Government may by an order, make it mandatory to supply motor spirit and high speed diesel blended with a specified quantity of anhydrous ethanol and/or bio-diesel in the whole or any part of the territory of a state or whole territory of the Indian Union.

**The Motor Spirit & High Speed Diesel (Regulation of Supply, Distribution & Prevention of Malpractices) Order, 2005**

**7. Power of search and seizure.**

- (1) Any Gazetted Officer of the Central Government or a state Government or any police officer not below the rank of Deputy Superintendent of Police duly authorized, by general or special order of the Central Government or a State Government, as the case may be, or any officer of the oil company, not below the rank of sales officer, may, with a view to securing compliance with the provisions of this order, or for the purpose of satisfying himself that this order or any order made thereunder has been complied with or there is reason to believe that all or any of the provisions of this order have been and are being or are about to be contravened,-
  - (a) enter and search any place or premises of a dealer, transporter, consumer or any other person who is an employee or agent of such dealer or transporter or consumer;
  - (b) stop and search any person or vehicle or receptacle used or intended to be used for movement of the product;
  - (c) take samples of the product and seize any of the stocks of the product and the vehicle or receptacle or .any other conveyance used or suspected to be used for carrying such stocks and thereafter take or authorize the taking of all measures necessary for securing the production of stocks or items so seized before the Collector or District Magistrate having jurisdiction under the provisions of the Essential Commodities Act, 1955 and for their safe custody pending such production;
  - (d) inspect, seize and remove with, such aid or assistance as may be necessary, books, registers, any other records or document of the dealer, transporter, consumer or any other person suspected to be an employee or agent of the dealer, transporter or consumer;
- (2) While exercising the power of seizure provided under sub-clause (c) and (d) above, the authorized officer shall record in writing the reasons for doing so and a copy of such recording shall be provided to the dealer, transporter, consumer or any other concerned person, as the case may be.
- (3) The provisions of Section 100 of the Code of Criminal Procedure, 1973 (2 of 1974) relating to search and seizure shall, as far as may be, apply to searches and seizure under this order.

8. <sup>1</sup>[Sampling of Product and testing].

<sup>2</sup>[(1-A) \_\_\_\_\_]

- (1) <sup>3</sup>[The authorized officer] under Clause 7 shall draw the sample from the tank, nozzle, vehicle or receptacle, as the case may be, in clean aluminium containers, to check whether density and other parameters of the product conform to the requirement of Bureau of Indian Standard Specification Number IS 2796 and IS 1460 for motor spirit and high speed diesel respectively. Where samples are drawn from retail outlet, the relevant tank-truck sample retained by the dealer as per Clause 3(b) would also be collected for laboratory analysis.
- (2) The authorized Officer shall take and seal six samples of 1 litre each of the motor spirit or three samples of 1 litre each of the high speed diesel. Two samples of motor spirit or one of high speed diesel would be given to the dealer or transporter or concerned person under acknowledgment with instruction to preserve the sample in his safe custody till the testing or investigations are completed. Two samples of motor spirit or one of the high speed diesel shall be kept by the concerned oil company or department and the remaining two samples of Motor Spirit or one of High Speed Diesel would be used for laboratory analysis;
- (3) The sample label shall be jointly signed by the authorized officer who has drawn the sample, and the dealer or transporter or concerned person or his representative and the sample label shall contain information as regards the product, name of retail outlet, quantity of sample, date, name of the authorized officer, name of the dealer or transporter or concerned person or his representative;
- (4) The authorized officer shall forward the sample of the product taken within ten days to any of the laboratories mentioned in Schedule III or to any other such laboratory when it may be notified by the Government in the *Official Gazette* for this purpose, for analyzing with a view to checking whether the density and other parameters of the product conform to the requirements of Bureau of Indian Standard Specification. Numbers IS 2796 and IS 1460 for motor spirit and high speed diesel respectively.
- (5) The laboratories mentioned in sub-clause (4) shall furnish the test report to the authorized officer within twenty days of receipt of sample at the laboratory.
- (6) The authorized officer shall communicate the test result to the dealer or transporter or concerned person and the oil company, as the case may be, within five days of receipt of test results from the laboratory for appropriate action.

**The Motor Spirit & High Speed Diesel (Regulation of Supply, Distribution & Prevention of Malpractices) Order, 2005**

1. Substituted for “sampling of product” by G S R No. 18(E) dated 12.1.2007.
2. Sub-clause (1-A) inserted by G S R No. 18(E) dated 12.1.2007 but deleted by G S R No. 1(E) dated 31.12.2008.
3. Substituted for the words “Where the product does not contain marker under sub-clause (1-A), the authorized officer” by G S R No. 1(E) dated 31.12.2008.

**9. Power of Central Government to issue directions.**

The Central Government may, from time to time, by a general or special order issue to any dealer, transporter or consumer or any other person, such directions as it considers necessary regarding storage, sale transportation and disposal of motor spirit or high speed diesel and upon the issue of such directions, such dealer, transporter or consumer shall be bound to comply therewith.

**10. Overriding Effect.**

The provisions of this order shall have overriding effect notwithstanding anything to the contrary contained in any order made by a State government or by an officer of such State Government before the commencement of this order except as respects anything done or omitted to be done thereunder before such commencement.

**SCHEDULE I**

*[See Clause 2(m)]*

**Details of norms for permissible stock variation**

Variation in stocks in underground tanks is considered to be beyond normal operation level when the inspection establishes that the variation in stocks in the underground tanks is beyond +/- 4% of tank stock over and above:

(i) Evaporating/handling losses in motor spirit are as follows-

0.75% on annual average sales of 0-600 kilolitres.

0.60% on annual average sales of above 600 kilolitres.

(ii) Handling losses in high speed diesel are as follows-0.25% on annual average sales of 0.600 kilolitres.

0.20% on annual average sales of above 600 kilolitres.

(Shrinkage losses and temperature variation allowance quantities on motor spirit/high speed diesel to be taken into account wherever the same are applicable.)

**SCHEDULE II**  
*[See Clause 5(1)]*

**Application Form**

(For issue of authorization to market motor spirit and high speed diesel)

To,  
The Joint Secretary,  
Ministry of Petroleum and Natural Gas,  
Government of India, Shastri Bhawan,  
New Delhi-110001.

1. Name of applicant.
2. Type of Firm (strike out whichever is not applicable).
  - 2.1 Public Limited Company/Private Limited Company/partnership firm/Proprietorship firm/others.
3. Address.
  - 3.1 Registered office.
4. Names, addresses, telephone numbers of Director/ Partners/ Proprietor.
5. Details of investment made and/or proposed to be made in eligible activities along with completion schedule of the project for new and incomplete projects-
  - (i) setting up new grass root refineries and/or expansion of the existing refineries along with facilities like crude oil receipt and transportation facilities.
  - (ii) exploration and production of hydrocarbons including coal bed methane, and associated facilities like crude oil/natural gas pipeline, crude oil and natural gas processing plants.
  - (iii) terminals for crude oil/LNG.
  - (iv) common carrier natural gas/petroleum products /LPG pipelines;.
  - (v) investment in the above activities for setting up additional assets for improvement in quality of product to meet environmentally related norms.

**Note:-** The activities other than those specified above would not be eligible.

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6. Time for the completion of new and incomplete projects to be indicated with completion date.
7. Details of scheme of marketing-
  - (i) the source of supply of products to be marketed;
  - (ii) tankage and other infrastructure established/proposed to be established along with their capacity;
  - (iii) means of transportation of products to depots and to retail outlets;
  - (iv) 'the number and locations of retail outlets proposed to be established and details of their storage and dispensing capacity;
  - (v) the total quantum and type of products to be covered under the marketing scheme.

**Note:-** Details on the above may be separately attached.

8. The mode of compliance relating to retail service obligations and marketing service obligation.
  - (i) number of retail outlets proposed to be set up in remote areas/low service areas;
  - (ii) other marketing infrastructure proposed to be set up in remote areas/low service areas;
  - (iii) commercial agreements proposed, if any, with the existing marketing companies.
  - (iv) Others. (please specify).
9. Details of application fee paid.

10. Declaration

Certified that the above information is true to the best of my knowledge and belief and the information as annexure and statements accompanying this application are correct, complete and truly stated and if any statement made herein found to be incorrect. I shall be liable for action under the provisions of law.

Date : .....

(Signature)

Name:

Designation:

**Schedule III**  
[See Clause 8(4)]

Laboratories For Testing of Petroleum Product Samples

**1. Marketing and Refinery Laboratories of Oil Companies.**

- (i) All the marketing (including Mobile Laboratories) and Refinery Laboratories of Bharat Petroleum Corporation Limited, Hindustan Petroleum Corporation Limited, Indian Oil Corporation Limited and IBP Co. Limited.
- (ii) Bongaigoan Oil Refinery Ltd., Refinery Laboratory, P.O. New Bongaigoan, Dist. Kokrajhar, Assam;
- (iii) Chennai Petroleum Corp. Ltd., Refinery Laboratory, Manali, Chennai-600019 Tamil Nadu;
- (iv) Kochi Refinery Ltd., Refinery Laboratory, Post Ambalamuga, Kochi- 682302, Kerala;
- (v) Mangalore Refinery and Petrochemicals Ltd., Refinery Laboratory, Kuthethoor, P.O. Katipalla, Moodapadav, P.B. No.2 Mangalore 574149, Karnataka;
- (vi) Numaligarh Refinery Limited, Refinery Laboratory, Numaligarh, Assam; and
- (vii) Reliance Petroleum Ltd, Refinery Laboratory, Moti Khavdi (VIII), Digvijayagarh (PO) Jamnagar (Dist)-361140, Gujrat.

**2. Government Laboratories.**

- (i) Director of Air worthiness, Civil Aviation Dept., Laboratory, Block II/III East, R.K.Puram, New Delhi 110066;
- (ii) National Test House, 11/1, Judges Court Road, Alipore, Calcutta 700027;
- (iii) National Physical Laboratory, Pusa, New Delhi 110012;
- (iv) Chemical Testing and- Analytical Laboratory, Industries and Commerce | Department, Government of Tamil Nadu, GUindy; and

**3. Defence Laboratory.**

- (i) Chief 'Controller of Materials, Controlrate General of Stores Laboratory, IGS Kanpur P.B. No. 229, Kanpur;
- (ii) Inspectorate General of Store Laboratory (I.G.S.L.), DGI Complex, Chennai-600114;



**The Motor Spirit & High Speed Diesel (Regulation of Supply, Distribution & Prevention of Malpractices) Order, 2005**

- (iii) Inspectorate General of Store Laboratory, DGI Complex, Hastings, Calcutta-700022; and
- (iv) Inspectorate General of Store Laboratory, DOI Complex, Vikhroli, Mumbai-400083.

**4. Other Laboratories.**

- (i) Central Power Research Institute, Bangalore;
- (ii) Fuel Testing Laboratory, Society for Petroleum Laboratory, B-14, Sector 62, Noida, U.P.;
- (iii) Indian Institute of Petroleum, Dehradun, 248005;
- (iv) Indian Institute of Technology, Guindy, Chennai;
- (v) India Institute of Technology, Hauz Khas, New Delhi;
- (vi) Indian Institute of Technology, Powai, Mumbai;
- (vii) Indian Institute of Technology, Kharagpur;
- (viii) Regional Research Laboratory, Uppal Road, Hyderabad-500007;
- (ix) Remdev Baba Engineering College, Katol Road, Nagpur-440013, Maharashtra; and
- (x) Lakshmi Narayan Institute of Technology, Amravati Road, Nagpur-440010 Maharashtra.

**5. All Forensic Laboratories in the State/Union Territories.**

**(Published in GOI Extra., Part II, Section 3(i), dated 21' December, 2005, S. No.518)**

**SOLVENT RAFFINATE AND SLOP (ACQUISITION, SALE,  
STORAGE AND PREVENTION OF USE IN AUTOMOBILES)**

**Order, 2000**

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**Ministry Of Petroleum And Natural Gas Order**

**New Delhi,**

**Dated 5th June, 2000**

**Notification**

**G.S.R. 519 (E).**- In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1995 (Central Act 10 of 1955), the Central Government hereby makes the following order, namely:-

**(1) Short title, extent and commencement:**

1. This order may be called The Solvent, Raffinate and Slop (Acquisition, Sale, Storage and Prevention of use in Automobiles) Order, 2000.
2. It extends to the whole of India.
3. It shall come into force on the date of its publication in the Official Gazette.

**(2) Definitions:**

In this order, unless the context otherwise requires:-

- (a) **“Automobile”** means any vehicle registered with Road Transport Authority by any person where fuel certified for use in such automobile is Motor Spirit, High Speed Diesel, liquefied Petroleum Gas or Compressed Natural Gas.
- (b) **“Government Oil Company”** means an oil refining company or oil marketing company which is a Government company as defined in Section 617 of Companies Act, 1956; (1 of 1956)
- (c) **“High Speed Diesel”** means any hydrocarbon oil (excluding mineral colza oil and turpentine substitute) which meets the requirements of Bureau of Indian Standards specification No.IS-1460 and is suitable for use as fuel in Compression Ignition Engines;
- (d) **“Motor Spirit”** means any hydrocarbon oil (excluding crude mineral oil) which meets the requirements of Bureau of India Standards specification No. IS-2796 and is suitable for use as fuel in Spark Ignition Engines;
- (e) **“Oil Company”** means any person, firm or company engaged in sale of motor spirit and or the high speed diesel to consumers and or the dealers and authorised to do so by the Central Government.

**The Solvent Raffinate & Slop (Acquisition, Sale, Storage and Prevention of use in Automobiles) Order 2000**

- (f) **“Other Product”** means a product other than solvent, raffinate or slop as defined here under and or their equivalent, having the power or ability to dissolve in motor spirit and or the high speed diesel;
- (g) **“raffinate”** means a lean solvent stream in liquid extraction process where solvent is used to separate two components in hydrocarbon mixture.

<sup>1</sup>[(gg) **‘Schedule’** means the Schedule appended to this Order.]

- (h) **“Slop”** means unfinished product stream generated in any industry during unestablished period of plant operation.

<sup>2</sup>[(i) **“Solvent”** means volatile fractions derived either directly or indirectly from petroleum or coal and are included in the Schedule.]

**(3) Restriction on sale and use of Solvents, Raffinates and Slops and other products:**

<sup>1</sup>[(1) No person shall either acquire, store or sell Solvents included in the Schedule, without a licence, issued by the State Government or the District Magistrate or any other Officer authorised by the Central or the State Government :

<sup>2</sup>[Provided that no such licence shall be required for consumption of 50KLS per month or less and storage of 20 KLS or less of solvents listed in the Schedule combined.)]

(2) No person shall either use or help in any manner the use of Solvents, Raffinates and Slops or their equivalent or other product except Motor Spirit and High Speed Diesel, in any automobile.

Provided that nothing in this Order shall preclude the use of such products for research purposes on automobiles.

(3) Any person whosoever is engaged in the sale of trading of Solvents ,Raffinates and Slops or their equivalent and other product, either imported or indigenous, for any purpose, whatsoever, shall file end-use certificates from consumers to whom he sells and furnish customer-wise sales to the District Magistrate or to the State Civil Supplies Authorities, on a quarterly basis.

(4) Any person whosoever is engaged in use of Solvents, Raffinates and Slops or their equivalent and other product, either imported or indigenous for manufacture of any petrochemicals or any other purpose shall file end-use certificates to the District Magistrate or the State Civil Supplies Authorities, on a quarterly basis.

**[Provided that the provisions of sub-clauses 1, 3 and 4 shall not be applicable to the following companies, namely :-**

- (i) Indian Oil Corporation Limited (IOCL)
- (ii) Bharat Petroleum Corporation Limited (BPCL)
- (iii) Hindustan Petroleum Corporation Limited (HPCL)
- (iv) IBP Co. Limited
- (v) Oil and Natural Gas Corporation Limited (ONGC)
- (vi) Gas Authority of India Limited (GAIL)
- (vii) Oil India Limited (OIL)
- (viii) Kochi Refineries Limited (KRL)
- (ix) Chennai Petroleum Corporation Limited (CPCL)
- (x) Bongalgaon Refinery and Petro-chemicals Limited (BRPL)
- (xi) Mumaligarh Refinery Limited (NRL)
- (xii) Lubrizol India Limited (LIL)
- (xiii) Biecco Lawrie and Co. Limited
- (xiv) Indian Additives Limited (Subsidiary of CPCL)
- (xv) Indian Oil Blending Limited (Subsidiary of IOC)
- (xvi) ONGC Videsh Limited ( a wholly owned subsidiary of ONGC)
- (xvii) Balmer Lawrie and Co. Limited
- (xviii) Mangalore Refinery and Petrochemicals Limited (subsidiary of ONGC)
- (xix) Essar Oil Limited (EOL)]
- <sup>4</sup>[(xx) Reliance Industries Limited]

**(4) Power of search and Seizure:-**

- (1) Any Gazetted Officer of the Central or the State Government or any Police Officer not below the rank of Deputy Superintendent of Police duly authorised, by general or special order by the central or the State Government or any officer of a Government Oil Company or any other oil Company authorised by the Central Government, not below the rank of Sales Officer may, with a view to securing compliance with the provisions of this Order, or for the purpose of satisfying himself that this order or any order made thereunder has been complied with,-

**The Solvent Raffinate & Slop (Acquisition, Sale, Storage and Prevention of use in Automobiles) Order 2000**

- (a) Enter and search any place or premises being used or suspected to be used of in the business of the dealer, transporter, consumer or any other person who is an employee or agent of such dealer, transporter, consumer with respect to which there is reason to believe that the provisions of this order have been or are being or are about to be contravened;
  - (b) Stop and search any person or vehicle or receptacle used or intended to be used for the movement of the product or using or receiving the product in contravention of this Order.
  - (c) Inspect any book of accounts or other document or any stock of the product used or suspected to be used in the business of the dealer, transporter, consumer or any other person suspected to be an employee or agent of the dealer, transporter or consumer.
  - (d) Take samples of the product and seize any of the stocks of the product which the officer has reason to believe has been or is being or is about to be used in contravention of this Order and thereafter take or authorise the taking of all measures necessary for securing the production of stocks or items so seized before the Collector having jurisdiction under the provisions of the Essential Commodities Act, 1955 and for their safe custody pending such production.
- (2) While exercising the power of seizure provided under sub-clause (d) of clause (1) the authorised Officer shall record in writing the reasons for doing so, a copy of which shall be given to the dealer, transporter, consumer or any other concerned person.
  - (3) The Provisions of section 100 of the code of Criminal Procedure, 1973 (2 of 1974), relating to search and seizure shall, as far as may be, apply to searches and seizures under this Order.

**(5) Sampling of Product:-**

- (1) The Officer authorised in Clause 4 shall draw the sample from the tank, nozzle, vehicle or receptacle as the case may be to check whether the provisions of this order are being or likely to be contravened.
- (2) The Officer authorised in Clause 4 shall take, sign and seal three samples of 750 ml. to 1 litre each of the product, one to be given to the concerned person under acknowledgement with instructions to preserve the sample in his safe custody till the testing and investigations are complete, the second sample to be kept by the concerned oil company or department and the third to be used for laboratory analysis.

- (3) The samples shall be taken in clean glass or aluminium containers and no Plastic containers shall be used for drawing samples.
- (4) The sample label should be jointly signed by the officer who has drawn the sample, and the concerned person or his representative and the label shall contain information as regards the product, place of seizure, quantity of sample, date, name and signature of the concerned person or his representative.
- (5) The authorised officer shall send the third sample of the product taken under sub clause (2) within a period of 10 days, to any of the laboratories specified in Schedule III of the Motor Spirit and High Speed Diesel (Regulation of Supply and Distribution and Prevention of Malpractices) Order, 1998 for the purpose of analysis of samples to check the product.

**(6) Power of Central and the State Government to issue directions:-**The Central Government or a State Government with the approval of the Central Government may, from time to time, by a general or special order issue to any person such directions, as it considers necessary regarding storage, sale, transportation and disposal and use of product and upon the issue of such directions, such person shall be bound to comply therewith.

**+[(6-A. Amedment to Schedule.**

The Central Government may amend the Schedule by notification published in the *Official Gazette.*]

**(7) Provision of the order to prevail over previous orders of State Government:** The provisions of this Order shall have effect not with standing anything to the contrary contained in any order made be a State Government or by an Officer of such State Government before the commencement of this Order except as respects anything done, or omitted to be done thereunder before such commencement.

**<sup>1</sup>[Schedule**

*[Please see sub clause(gg) and (i) of clause 2]*

- (1) SBP spirits/SBP solvents
- (2) C-9 solvents/raffinates
- (3) C-6 raffinates

**The Solvent Raffinate & Slop (Acquisition, Sale, Storage and Prevention of use in Automobiles)  
Order 2000**

(4) Pentane

(5) Cixon

(6) Solvents 90

(7) Hexane

(8) Heptane

(9) Resol

(10) NGL

(11) MTO

(12) Aromex

(13) lomex

(14) ———

(15) Mixed fule Oil (MFO)]]

(16) ———

(17) ———

**1. Schedule with items 1 to 15 inserted by G.S.R.No 856 (E) dated 21.11.2001.**

**2. Entries “(16) Benzene, (17) Toluene”, inserted by G S R No.404 (E), dated 04.07.2006 but deleted by G S R No 743(E), dated 07.12.2006.**

**3. Entry (15) – Light Disel Oil (LDO), deleted by G S R No. 689(E), dated 01.11.2007 and again new item inserted by GSR 561(E) dated 03.08.2009.**

**4. Entry 14 - “Furnace Oil (FO “ deleted by GSR 835 (E) dated 19.11.2009.**

(File No. P.11013/4/98-Dist.)

(Published in G O I, Extra., Part II, Section 3 (i), dated 5th June, 2000, No.318)

**THE MAHARASHTRA SOLVENT RAFFINATE AND SLOP  
(LICENSING) ORDER, 2007.**

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**Food and Civil Supplies And Consumer Protection Department.**

Mantralaya, Mumbai 400 032.

**Dated 25th January 2007.**

**Order**

Essential Commodities Act, 1955

**No. Solvent. 1005/CR 2049/CS-24** - In exercise of the powers conferred by Section 3 of The Essential Commodities Act, 1955, and in pursuance of the provisions of the sub-clause (i) of clause 3 of the Solvent, Raffinate and Slop (Acquisition, Sale, Storage and prevention of use in automobiles) Order, 2000 and of all other powers enabling in this behalf, and in supersession of the Maharashtra Solvent, Raffinate and Slop (Acquisition, Sale, Storage and Prevention of Use in Automobiles) licensing Order, 2000 the Government of Maharashtra hereby makes the following order, namely:-

**1. Short title and extent.**

- (a) This Order may be called “The Maharashtra Solvent, Raffinate and Slop (Licensing) Order, 2007”.
- (b) It extends to the whole of the State of Maharashtra

**2. Definitions.**

In this Order, unless the context otherwise requires,-

- (1) (a) “**Automobile**”, means any vehicle registered with Road Transport Authority by any person, where fuel certified for use in such automobile is Motor Spirit, High Speed Diesel, Liquefied Petroleum Gas or Compressed Natural Gas;
- (b) “**Collector**” means the Collector of the district and includes the Additional Collector, the District Supply Officer, the Sub-Divisional Officer, the Assistant District Supply Officer, Foodgrains Distribution Officer in the areas mentioned in Scheduled-I of the Maharashtra Scheduled Foodgrains (Regulation of Distribution) Order, 1966, and such other Officer or Officers as may be authorized by the Collector in this behalf;
- (c) “**Commissioner**” means a Commissioner for a Division appointed under the Maharashtra Land Revenue Code, 1966 and includes an Additional Commissioner and Deputy Commissioner (Supply);



## The Maharashtra Solvent Raffinate & Slop (Licensing) Order, 2007

- (d) **“Consumer”** means a person who is engaged in actual use of Solvents, Raffinate and Slop and has procured a licence or registered himself as a consumer under this order for the acquisition, consumption and storage for consumption of Solvents, Raffinate and Slop ;
- (e) **“Controller of Rationing and Director of Civil Supplies”** means a Controller of Rationing appointed by the Government and includes a Deputy or Assistant Controller of Rationing;
- (f) **“Dealer”** means a person who acquires Solvents, Raffinate and Slop from an Oil Company and sells it to a consumer or a reseller and has procured a licence under this order for he acquisition, sale and storage for sale of Solvents, Raffinate and slop;
- (g) **“Form”** means the Form appended to this Order;
- (h) **“Government”** means the State Government of Maharashtra;
- (i) **“Licence”** means a licence issued under this Order;
- (j) **“Licensee”** means a person holding a licence issued under this order;
- (k) **“Licensing Authority”** means the Authority appointed by the Government under the provisions of this order and for the Mumbai-Thane Rationing Area; the Controller of Rationing and Director of Civil Supplies, Mumbai and elsewhere the Additional Collector, in their respective areas;
- (l) **“Reseller”** means a person who acquires Solvents, Raffinate and Slop from a Dealer or trader as defined under this order and resells it to a consumer and has procured a licence under this order for the acquisition, sale and storage for sale of Solvents, Raffinate and Slop ;
- (m) **“Schedule”** means the schedule appended to this order;
- (n) **“Storage premises”** means the premises approved or licensed by the Chief Controller of Explosives appointed under the Indian Explosives Act, 1884;
- (o) **“Tankage service Provider”** means person who provides tankage facility for storage of Solvents, Raffinate and Slop without actually acquiring consuming or selling it and has procured a licence under this order for the storage of Solvents, Raffinate and Slop.;
- (p) **“Trader”** means a person who acquires Solvents, Raffinate and Slop from an Oil Company and sells it to a consumer or a reseller and has procured a licence under this order for the acquisition and sale without storage, of Solvents, Raffinate and Slop;

(q) **“Transport Pass”** means a pass issued in Form ‘VI’ appended to this order, by the licensing authority or any officer as may be authorized by the licensing authority in this behalf to a trader who has procured a licence for acquisition and sale without storage of solvents, Raffinate and Slop;

(2) Words and expressions used in this order but not defined herein shall have the meanings respectively assigned to them in the Solvent, Raffinate and Slop (Acquisition, Sale, Storage and preYtition of Use . in. Automobiles) Order, 2000 or in the Essential Commodities Act, 1955.

**3. Prohibition against acquisition, Storage, sale, storage for sale or consumption without licence.**

(a) No person shall either acquire, store, sell, or consume Solvent, Raffinate and Slop included in the schedule I, except under and in accordance with the terms and conditions of a licence issued in this behalf by the licensing Authority;

Provided that, no such licence shall be required for consumption of 50 KLS per month or less and storage for consumption of 20 KLS or less of Solvent, Raffinate and Slop and for which such person shall first register himself as a consumer with the Licensing Authority under the provision of this order;

(b) No person shall import in the State of Maharashtra, Solvent, Raffinate and Slop included in the schedule-I, either from other state or country unless he has obtained a licence for it’s acquisition, storage, sale, storage for sale or consumption under this order;

(c) No person, shall either acquire Solvent, Raffinate and Slop except from an oil company or a licensee or sell Solvent, Raffinate and Slop to any person except a licensee or a registered consumer;

(d) No person shall either use or help in any manner, the use of Solvent, Raffinate and Slop in any automobile;

(e) No person shall either use or help in any manner adulterating of Motor Spirit or High Speed Diesel with Solvent, Raffinate and Slop;

(f) No person, a licensee, an Oil Company or otherwise shall sell Solvent, Raffinate and Slop included in the schedule I, to any person other than a licensee or a registered consumer.

**4. Application for licence or registration.**

An application for grant of a licence for acquisition, storage, sale, storage for sale or

## **The Maharashtra Solvent Raffinate & Slop (Licensing) Order, 2007**

consumption or registration as a consumer of Solvent, Raffinate and Slop shall be made under this Order to the Licensing Authority in the Forms specified for this purpose alongwith the specified licence or registration fee, as specified in the Schedule-II:

Provided that, any person, who immediately, before the commencement of this Order, holding a licence issued under the Maharashtra Solvent, Raffinate and Slop (Acquisition, Sale, Storage and prevention of use in automobiles) Licensing Order, 2000 shall apply

- for the issue of licence under this Order within a period of Forty-five days from the date of commencement of this Order.

### **5. Security Deposit.**

Every person applying for a licence or for registration as a consumer, shall, before such licence or registration is issued to him, deposit with the Licensing Authority, the security deposit as specified in the schedule-II, in cash, for the due performance of the terms and conditions of the licence or registration to be issued to him.

### **6. Issue of Licence or Registration.**

The Licensing Authority shall, on receipt of the duly completed application for a licence or for registration in the prescribed form and on the payment of prescribed licence fee or registration fee as the case may be and security deposit, and after making such inquiry as he may deem fit, issue the licence or register as the case may be within a period of 45 days, from the date of receipt of duly completed application.

### **7. Period of licence or registration.**

Every licence issued under this Order shall be valid for a period of one year and in case of Registration for a period of five years from the date of issue.

### **8. Renewal of licence or registration.**

- (a) Every licensee or registered consumer, who desires to get his licence or registration renewed, shall apply for the renewal thereof in specified Form alongwith the annual renewal fee, not less than 20 days before the date of its expiry;
- (b) Renewal in case of a Licence may be made at a time for a period of two years and in case of registration for a period of five years.

### **9. Failure to renew licence or registration in time.**

Every application for the renewal, in case of a licence made after the expiry of the period mentioned in the sub-clause(a) of clause 8, shall be charged a late fee of Rupees 200 per day and in case of registration Rupees 20 per day, for the delayed period.

**10. Replacement of defaced, lost or destroyed licence or registration.**

If a licence or registration issued under this order is defaced, lost or destroyed, then an application in specified Form alongwith such information, as may be required by the licensing authority shall be made to that Licensing Authority for obtaining a duplicate licence or registration and Licensing Authority may, after charging a fee of rupees one hundred, after making such inquiry as he may think fit, issue a duplicate licence or registration as the case may be.

**11. Power to refuse grant of licence or registration or it's renewal.**

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

**12. Provision for cancellation or suspension of licence or registration.**

On contravention of any of the terms or conditions of the licence or non compliance of any of the directions or instructions issued by the Government or Licensing Authority, by a licensee or registered consumer or his agent or servant or any other person acting on his behalf, the Licensing Authority may, by order in writing, without prejudice to any other action that may be taken against the licensee or the registered consumer, suspend or cancel the licence or registration as the case may be

Provided that, no order shall be made under this clause unless the licensee or the registered consumer has been given a reasonable opportunity for stating his case against the proposed cancellation or suspension.

**13. Forfeiture of security deposit.**

(a) Without prejudice to the provisions of clause 12, if the Licensing Authority is satisfied that the licensee or the registered consumer has contravened any of the terms and conditions of the licence or has not complied any of the directions or instructions issued by the Government or Licensing Authority and that a forfeiture of the security deposit is called for, he may, after giving the licensee or the registered consumer a reasonable opportunity for stating his case against the forfeiture by order, forfeit the whole or any part of the security deposit, deposited by him and communicate a copy of the Order to him :

Provided that, where a cancellation of the licence or the registration is duly ordered by the licensing authority, the order of cancellation shall also be accompanied by an order forfeiting the entire security deposit.

## **The Maharashtra Solvent Raffinate & Slop (Licensing) Order, 2007**

- (b) The Licensee or the registered consumer shall, if the amount of security deposit at any time, falls short of the amount specified in schedule-II, forthwith deposit further security to make up that amount on being required by the Licensing Authority to do so.
- (c) where the licensee or the registered consumer surrenders his licence or registration to the Licensing, Authority, before the expiry of or within 30 days from the date of expiry of the licence, the licensing Authority shall return to the licensee Or the registered consumer the whole of the amount of security deposit or, such part thereof that has not been forfeited.

### **14. Penalty.**

Without prejudice to the provisions of clause 12 and clause 13, if the Licensing Authority is satisfied that any person, a licensee or a registered consumer or otherwise has contravened any of the provisions of this order or has not complied any of the directions or instructions issued by the Government or Licensing Authority, the concerned person after being given a reasonable opportunity for stating his case, shall be charged a fine upto 100% of the value of the seizure or that of the products/items as regards to which the violation has taken place.

### **15. Maintenance of register of accounts.**

Every licensee or the registered consumer shall maintain register of accounts laid down in terms and conditions of his licence and such other records as the Government or the Licensing Authority may order from time to time :

Provided that, all such records should be maintained at the actual place of storage of the licensee and at the office also.

### **16. Filing of end use Certificate.**

- (a) Every person whosoever is engaged in acquisition, storage, sale, consumption or storage for sale or consumption of Solvent, Raffinate and Slop, shall file end-use certificates from the consumers to whom he • sells and also furnish customer-wise sales to the Licensing Authority, on a quarterly basis.
- (b) Every person whosoever is engaged acquisition, storage consumption, of Solvent, Raffinate and Slop, shall file end-use certificates to the Licensing Authority, on a quarterly basis.
- (c) Any person who contravenes the provisions of sub-clause (a) or (b) above, shall be liable for action under clause 12, 13, 14 of this order as may be deemed fit. Such action shall be without prejudice to any other action that may be taken against him under Essential Commodities Act, 1955.

**17. Issuing of transport pass and it's filing.**

Every trader who has procured a licence under this order for acquisition and sale of Solvent Raffinate and Slop without storing it, shall have to obtain a transport pass in Form WI' of this order and also have to submit it's delivery report to the licensing authority within such period as may be directed by the licensing authority, which shall not be more than seven days from the date of lifting of the Solvent, Raffinate and Slop, or before applying for the subsequent transport pass whichever is earlier.

**18. Power to issue directions.**

- (a) The Government may, if it feels necessary, to do so, issue directions to the licensing authority, the licensee or otherwise, which according to it may be necessary to ensure the objective of this Order (b) The Licensing Authority may, if it feels necessary, to do so, issue directions which are not inconsistent with the provisions of any prevailing Order issued by the Central or the State Government, to the licensee or otherwise, which according to it may be necessary to ensure the objective of this Order.

**19. Power of entry, search and seizure.**

- (a) The Controller of Rationing and Director of Civil Supplies, Deputy Controller of Rationing, Assistant Controller of Rationing, Divisional Commissioner, Deputy Commissioner (Supply), District Collector, Additional Collector, District Supply Officer, Sub-Divisional Officer, Assistant District Supply Officer, Tahsildar and Foodgrains distribution Officer, Assistant Foodgrains Distribution Officer, all Police officers not below the rank of Deputy Superintendent, within their respective jurisdiction, with a view to secure compliance of this Order or to satisfy himself that this order has not been contravened- and with such assistance, if required, as he thinks fit,-
- (i) enter, search any place or premises, being made use of or suspected to be made use of in the business of acquiring, selling, storing for sale solvent, raffinate and slop, vehicle or any other person who is an employee or agent of such person acquiring, selling, storing for sale solvent, raffinate and slop with respect to which there is reason to believe that the provisions of this Order have been or are being or are about to be contravened ;
- (ii) stop and search, any person or vehicle or receptacle used or intended to be used for the movement of the solvent, raffinate and slop or using or receiving the solvent, raffinate and slop in contravention of this Order ;
- (iii) inspect any book of accounts or documents or any stock of the solvent, raffinate and slop used or suspected to be used in acquiring, selling, storing for sale solvent, raffinate and slop, or any other person suspected to be an

## **The Maharashtra Solvent Raffinate & Slop (Licensing) Order, 2007**

employee or agent of the person acquiring, selling, storing for sale solvent, raffinate and slop;

- (iv) take samples of the solvent, raffinate and slop and/or seize any of the stocks of the solvent, raffinate and slop which the Officer has reason to believe has been or is being or is about to be used in contravention of this Order and hereafter take or authorize the taking of all measures necessary for securing the production of stocks/items so seized before the Collector having jurisdiction under the provisions of the Essential Commodities Act, 1955, and for their safe custody pending such production;
  - (v) while exercising the power of seizure provided under sub-clause(d) of this clause, the authorized officer shall record in writing the reasons for doing so, a copy of which shall be given to the person acquiring, selling, storing for sale solvent, raffinate and slop.
- (b) The provisions of section 100 of the Code of Criminal procedure, 1973, relating to search and seizure shall, so far as may be, apply to searches and seizure under this Order.

### **20. Sampling of Product.**

- (a) The Officer authorized in clause 19, of this Order shall draw the sample from the tank, nozzle, vehicle or receptacle as the case may be to check whether the provisions of this Order have been or are being contravened.
- (b) The officer authorized in clause 19 shall take, sign and seal three samples of 750 ml to 1 litre each of the product, one to be given to the concerned person under acknowledgment with instructions to preserve the sample in his safe custody till the testing/investigations are completed, the second sample to be kept with the inspecting authority and the third to be used for laboratory analysis.
- (c) Samples shall be taken in clean glass or aluminium containers.
- (d) The sample label should be jointly signed by the officer who has drawn the sample and the concerned person or his representative and the label shall contain information as regards the product, place of seizure, quantity of sample, date, name and signature of the concerned person or his representative.
- (e) The authorized officer shall send the third sample of the product taken under sub-clause(2), as far as possible immediately within 10 days, to any of the laboratories specified in the schedule of the Motor spirit and High Speed Diesel (Regulation of Supply and Distribution and Prevention of Malpractices) Order, 2005 for the purpose of analysis of samples to check the product.

**21. Power to grant exemptions.**

The Government may, if it is necessary in the public interest, to do so, by order, exempt any person or class of persons from the operation of all or any of the provisions of this Order for such period and subject to such conditions (if any), as may be specified, and may, at any time, suspend or cancel such exemption.

**22. Appeal.**

(a) Any person aggrieved by any Order of a Licensing Authority made under clause 11, 12, 13 or 14 of this order may appeal in Mumbai Thane Rationing area to the Government and elsewhere to the Commissioner of the Division.

(b) Every such appeal shall be made within thirty days from the date of receipt of the Order passed against the person appealing

Provided that, the Appellate Authority may, admit an appeal after the expiry of the said period if, the appellant satisfies the Appellate authority that he had sufficient and reasonable cause for not preferring the appeal within the said period.

(c) No Order shall be made by the Appellate Authority under this clause unless the aggrieved person has been given a reasonable opportunity of stating his case.

(d) Pending the disposal of the appeal, the Appellate Authority may direct that the Order of the Licensing Authority shall not take effect until the appeal is disposed off.

**23. Revision.**

(a) The Government may, on an application made or *suo-motu* at any time before the expiry of two years from the date of any Order, passed by the Licensing Authority or any other competent authority under this Order and in which no appeal has been filed or an appeal, if any, is filed and disposed of, call for the record of the proceedings underlying such Order for the purpose of satisfying itself as to the legality or propriety of such Order or as to the regularity of such proceedings and if it shall appear to the Government that such order or proceedings should be modified, annulled or confirmed it may pass such order as it deems fit :

Provided that, the Government may, at any time, during the pendency of the enquiry or proceeding may call for and examine the records of any such enquiry or proceeding and pass such Order thereon as it thinks fit :

Provided further that, no Order shall be made under this clause unless the person who is likely to be aggrieved thereby has been given a reasonable opportunity of pleading his case:



## **The Maharashtra Solvent Raffinate & Slop (Licensing) Order, 2007**

Provided further that, before rejecting any application for the revision of any such Order, the Government shall record reasons for such rejection.

Pending the disposal of the revision proceedings under this clause, the Government may direct that the Order passed by the Licensing Authority or other competent authority shall not take effect until an Order is passed by it.

### **24. Provisions of the Order to prevail over previous orders of the Government.**

The provisions of this order shall have effect notwithstanding anything to the contrary contained in any order made by the Government or any officer of the Government before the commencement of this order.

### **25. Savings.**

Anything done or any action taken under any previous orders or any provisions of such orders, shall in so far as it is not inconsistent with the provisions of this order, be deemed to have been done or taken under the corresponding provisions of this order.

### **Schedule I**

*[See sub-clause 2 (m) and 3]*

- (1) SBP spirits /SBP solvents.
- (2) C-9 solvents/raffinates.
- (3) C-6 raffinates.
- (4) Pentane
- (5) Cixone.
- (6) Solvent-90.
- (7) Hexane.
- (8) Heptane.
- (9) Resole.
- (10) NGL.
- (11) MTO.
- (12) Aromex.
- (13) Lomex.
- (14) Furnace oil (FO).

+[(15) —————)]

+ **Entry 15 — “Light diesel oil (LD0)” deleted 11 Notification No. Solvent 1007/1691/CR-2975/CS-24, dated 04.03.2008**

## Schedule H

[See sub-clause 2(m) and 3, 4, 5, 6, 7, 8]

Sr. No.	Specification	Consumer's Licence	Dealer's Licence	Trader's Licence	Tankage Licence	Reseller's Licence	Registered Consumer
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	Purpose of licence	Acquisition Storage for consumption and consumption	Acquisition consumption Storage for sale and sale	Acquisition and sale	Storage	Acquisition Storage for sale and sale	Acquisition Storage for consumption and consumption
2	Application Form	Form I	Form II	Form II	Form V	Form III	Form IV
3	Form of Licence	Form I-A	Form II-A	Form II-A	Form V-A	Form III-A	Form IV-A
4	Period of Licence	One Year	Five Years	.			
5	Licensing Authority	<p>* In case of Mumbai-Thane Rationing area-The Controller of rationing and the Director of Civil Supplies, Mumbai.</p> <p>* Rest of Maharashtra-The Additional Collector within their respective Jurisdiction.</p>					
6	Licensing/ registration Fee			1) Rs. 500			Rs. 200
7	Security Deposit	1) Upto 100 KL Per Month -				Rs. 10,000	
		2) 101 KL to 200 KL per month				Rs. 20,000	
		3) 201 KL to 500 KL per month				Rs. 30,000	
		4) 501 KL to 1000 KL per month				Rs. 75,000	Rs. 5,000
		5) 1001 KL, to 2000 KL per month				Rs. 1,50,000	
		6) 2001 KL to 5000 KL per month				Rs. 3,00,000	
		7) 5001 KL to 10,000 KL per month				Rs. 5,00,000	
		8) 10,000 KL or above per month				Rs. 7,50,000	
8	Renewal Period	Two Years					Five Years.
9	Renewal fee per year	Equivalent to licence fee					Equivalent to registration fee

**The Maharashtra Solvent Raffinate & Slop (Licensing) Order, 2007**

**Form I**

(Application form for Consumers Licence)

*[See clauses 2(1) (d), (g), (i), 3, 4, 5, 6, 7, 8 of the order]*

(Affix a recent passport size photograph here)

1. Name of the Applicant : .....
2. Type of firm .....
3. Details of Partners/Proprietors/Directors :

Sr. No.	Name	Office		Residence	
		Address	Telephone No.	Address	Telephone No.
1.					
2.					

4. Address of Registered office of the firm : .....
5. Area of Operation : .....
6. Industry registration:

Registration No.	Date of registration	Validity Date	Issuing Authority

7. State Sales Tax registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

8. Central Sales Tax registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

9. Maharashtra Pollution Control Board's NOC :

NOC No.	Date of Issue	Validity Date	Issuing Authority

## 10. Explosives license details:

License No.	Date of issue	Validity Date	Issuing authority	Licensed Capacity (KL)

## 11. Storage Details:

Location (Address)	Capacity (KL)	Whether assigned for any other license if yes details.

## 12. Monthly capacity for which licence is required :

Sr. No.	Type of Solvent	Monthly Capacity in KL for which licence is required	Required quantity certified by which authority
1			
2			
3			

## 13. Use of Solvent, Raffinate and slop for which licence is required:

## 14. Process of consumption :

## 15. Supply source and route of transportation :

Sr. No.	Type of Solvent	Supply Source	Route of Transportation
1			
2			
3			

## 16. Any other relevant information the applicant wishes to declare:

I hereby declare that I have carefully read all the terms and conditions for this licence and shall abide by all the prevailing as well as relevant orders and instructions issued from time to time by any competent authority in this regard. I also declare that all the information furnished in and along With this application is correct, complete and truly stated. If any of the information is found to be incorrect, incomplete or false, I shall be liable for action under the provisions of law.

Date :

Place :

(Name and Signature of the Applicant)

**The Maharashtra Solvent Raffinate & Slop (Licensing) Order, 2007**

**Form II**

(Application form for Dealers / Traders Licence)

*[See clauses 2(1) (1), (g), (I), 3, 4, 5, 6, 7, 8 of the order]*

(Affix a recent passport size photograph here)

1. Name of the Applicant : .....
2. Type of firm .....
3. Details of Partners/Proprietors/Directors :

Sr. No.	Name	Office		Residence	
		Address	Telephone No.	Address	Telephone No.
1.					
2.					

4. Address of Registered office of the firm : .....
5. Area of Operation : .....
6. Name of the Oil Company : .....
7. Shop and Establishment Registration : .....

Registration No.	Date of registration	Validity Date	Issuing Authority

8. State Sales Tax registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

9. Central Sales Tax registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

## 10. Explosives license details:

License No.	Date of issue	Validity Date	Issuing authority	Licensed Capacity (KL)

## 11. Storage Details:

Location (Address)	Capacity (KL)	Whether assigned for any other license, if yes details.

## 12. Monthly capacity for which licence is required :

Sr. No.	Type of Solvent	Monthly Capacity in KL for which license is required
1		
2		
3		

## 13. Supply source and route of transportation :

Sr. No.	Type of Solvent	Supply Source Route of Transportation
1		
2		
3		

## 14. Any other relevant information the applicant wishes to declare :

I hereby declare that, I have carefully read all the terms and conditions for this licence and shall abide by all the prevailing as well as relevant orders and instructions issued from time to time by any competent authority in this regard. I also declare that, all the information furnished in and along with this application is correct, complete and truly stated. If any of the information is found to be incorrect, incomplete or false, I shall be liable for action under the provisions of Law.

Date :

Place :

(Name and Signature of the Applicant)

**The Maharashtra Solvent Raffinate & Slop (Licensing) Order, 2007**

**Form III**

(Application form for Re- Licence)

*[See clauses 2(1) (f), (g), (i), (q), 3, 4, 5, 6, 7, 8, 17 of the order]*

(Affix a recent passport size photograph here)
------------------------------------------------

1. Name of the Applicant : .....
2. Type of firm .....
3. Details of Partners/Proprietors/Directors :

Sr. No.	Name	Office		Residence	
		Address	Telephone No.	Address	Telephone No.
1.					
2.					

4. Address of Registered office of the firm : .....
5. Area of Operation : .....
6. Shop and Establishment Registration : .....

Registration No.	Date of registration	Validity Date	Issuing Authority

7. State Sales Tax registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

8. Central Sales Tax registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

9. Explosives license details:

License No.	Date of issue	Validity Date	Issuing authority	Licensed Capacity (KL)

## 10. Storage Details:

Location (Address)	Capacity (KL)	Whether assigned for any other license, if yes details.

## 11. Monthly capacity for which licence is required :

Sr. No.	Type of Solvent	Monthly Capacity in KL for which license is required
1		
2		
3		

## 12. Supply source and route of transportation :

Sr. No.	Type of Solvent	Supply Source	Route of Transportation
1			
2			
3			

## 13. Any other relevant information the applicant wishes to declare :

I hereby declare that, I have carefully read all the terms and conditions for this licence and shall abide by all the prevailing as well as relevant orders and instructions issued from time to time by any competent authority in this regard. I also declare that, all the information furnished in and along with this application is correct, complete and truly stated. If any of the information is found to be incorrect, incomplete or false, I shall be liable for action under the provisions of Law.

Date :

Place :

(Name and Signature of the Applicant)



**The Maharashtra Solvent Raffinate & Slop (Licensing) Order, 2007**

**Form IV**

(Application form for Consumer Registration)

[See clauses 2(1) (d), (g), (i), 3, 4, 5, 6, 7, 8 of the order]

(Affix a recent passport size photograph here)

1. Name of the Applicant : .....
2. Type of firm .....
3. Details of Partners/Proprietors/Directors :

Sr. No.	Name	Office		Residence	
		Address	Telephone No.	Address	Telephone No.
1.					
2.					

4. Address of Registered office of the firm : .....

5. State Sales Tax registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

6. Central Sales Tax registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

7. Maharashtra Pollution Control Board's N.O.C. :

N.O.C. No.	Date of issue	Validity Date	Issuing Authority

8. Monthly capacity for which registration is required :

Sr. No.	Type of Solvent	Monthly Capacity in KL
1		
2		
3		

9. Use of Solvent, Raffinate and Slop :

10. Any other relevant information the application wishes to declare :

I hereby declare that, I have carefully read all the terms and conditions for this licence and shall abide by all the prevailing as well as relevant orders and instructions issued from time to time by any competent authority in this regard. I also declare that, all the information furnished in and along with this application is correct, complete and truly stated. If any of the information is found to be incorrect, incomplete or false, I shall be liable for action under the provisions of Law.

Date :

Place :

(Name and Signature of the Applicant)

-----

**Form V**

(Application form for Tankage Licence)

*[See clauses 2(1) (g), (i), (o), 3, 4, 5, 6, 7, 8 of the order]*

1. Name of the Applicant : .....

2. Type of firm .....

3. Details of Partners/Proprietors/Directors :

(Affix a recent passport size photograph here)
------------------------------------------------

Sr. No.	Name	Office		Residence	
		Address	Telephone No.	Address	Telephone No.
1.					
2.					

4. Address of Registered office of the firm : .....

5. Shop & Establishment registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

## The Maharashtra Solvent Raffinate & Slop (Licensing) Order, 2007

6. State Sales Tax registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

7. Central Sales Tax registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

8. Explosives license details:

License No.	Date of issue	Validity Date	Issuing authority	Licensed Capacity (KL)

9. Storage Details:

Location (Address)	Capacity (KL)	Whether assigned for any other license, if yes details.

10. Capacity for which licence is required :

Sr. No.	Type of Solvent	Monthly Capacity in K.L.
1		
2		
3		

11. Any other relevant information the applicant wishes to declare :

I hereby declare that, I have carefully read all the terms and conditions for this licence and shall abide by all the prevailing as well as relevant orders and instructions issued from time to time by any competent authority in this regard. I also declare that, all the information furnished in and along with this application is correct, complete and truly stated. If any of the information is found to be incorrect, incomplete or false, I shall be 'liable for action under the provisions of Law.

Date :

Place :

(Name and Signature of the Applicant)

## Form I-A

(Format for the Consumers Licence)

*[See clauses 2(1) (d), (g), (i), 3, 4, 5, 6, 7, 8 of the order]*(Affix a  
recent  
passport size  
photograph  
here)

1. Licence No. ....

Subject to the provisions of the Maharashtra Solvent, Raffinate and Slop (Licensing) Order, 2007 and to the terms and conditions of this licence and all other instructions and orders issued by the Government or the Licensing authority from time to time in this behalf (Name of Licensee) is hereby authorized to Acquire, store and consume solvent, raffinate and slop.

2. Address of Registered office of the firm .....

3. Area of Operation .....

4. Industry Registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

5. State Sales Tax registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

6. Central Sales Tax registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

7. Maharashtra Pollution Control Board's NOC :

NOC No.	Date of Issue	Validity Date	Issuing Authority

## The Maharashtra Solvent Raffinate & Slop (Licensing) Order, 2007

8. Explosives license details:

License No.	Date of issue	Validity Date	Issuing authority	Licensed Capacity (KL)

9. Storage Details:

(Address)	Capacity (KL)	Whether assigned for any other license, if yes details.

10. Use of Solvent, Raffinate and Slop :

11. Monthly capacity of licence :

Sr. No.	Type of Solvent	Monthly Capacity in K.L. for which licence is required
1		
2		
3		

12. The licensee shall maintain true and proper records and accounts of all the transactions related to the Acquisition, storage and consumption of solvent, raffinate and slop and all other records as expected from him or as directed by the Government or the Licensing authority and shall submit quarterly end use certificates to the licensing authority.

13. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorized by him for inspection of his stocks and accounts of solvent, raffinate and slop and produce the licence for inspection of his stocks and accounts of solvent, raffinate and slop and produce the licence for inspection on demand.

14. The licensee shall comply with any directions that may be issued to him by the Government or by the licensing authority or by any officer authorized by the licensing authority in this behalf, in regard to the methods of acquisition; transport, storage and consumption of solvent, raffinate and slop which the Government or licensing authority or any officer authorized by the licensing authority may deem fit.

15. (other conditions which the licensing authority feels necessary)

16. This licence shall be valid upto

17. Details of renewal of licence :

Due date of Renewal	Actual Date of Renewal	Validity Date of Renewal	Sign and Seal of Licensing Authority

Date :

Place :

(Licensing Authority)

-----

**Form II-A**

(Format for the Dealers/ Traders Licence)

*[See clauses 2(1) (f), (g), (i), 3, 4, 5, 6, 7, 8 of the order]*

(Affix a recent passport size photograph here)

1. Licence No. : .....

Subject to the provisions of the Maharashtra Solvent, Raffinate and Slop (Licensing) Order, 2007 and to the terms and conditions of this licence and all other instructions and orders issued by the Government or the Licensing authority from time to time in this behalf (Name of Licensee) is hereby authorized to Acquire, store and sale/only acquire and sale \*solvent, raffinate and slop.

\* Strike off whichever is not applicable.

2. Address of Registered office of the firm :.....

3. Area of Operation .....

4. Name of the oil Company .....

5. Shop and Establishment Registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

## The Maharashtra Solvent Raffinate & Slop (Licensing) Order, 2007

6. State Sales Tax registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

7. Central Sales Tax registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

8. Explosives license details:

License No.	Date of issue	Validity Date	Issuing authority	Licensed Capacity (KL)

9. Storage Details:

Location (Address)	Capacity (KL)	Whether assigned for any other license, if yes details.

10. Monthly capacity of licence :

Sr. No.	Type of Solvent	Monthly Capacity in K.L.
1		
2		
3		

11. The licensee shall maintain true and proper records and accounts of all the transactions related to the Acquisition, sale, storage for sale of solvent, raffinate and slop and issue cash memo/payment receipt to customers purchasing solvent, raffinate and slop and shall also maintain all other records as expected from him or as directed by the Government or the Licensing authority and shall submit quarterly end use certificates to the licensing authority.

12. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorized by him for inspection of his stocks and accounts of solvent, raffinate and slop and produce the licence for inspection of his stocks and accounts of solvent raffinate and slop and produce the licence for inspection on demand.

13. The licensee shall comply with any directions that may be issued to him by the Government or by the licensing authority or by any officer authorized by the licensing authority in this behalf, in regard to the methods of acquisition, transport, sale and storage for sale of solvent, raffinate and slop which the Government or licensing authority or any officer authorized by the licensing authority may deem fit.
14. (other conditions which the licensing authority feels necessary)
15. This licence shall be valid upto
16. Details of renewal of licence :

Due date of Renewal	Actual Date of Renewal	Validity Date of Renewal	Sign and Seal of Licensing Authority

Date :

Place :

(Licensing Authority)

-----

**Form III-A**

(Format for the Resellers Licence)

*[See clauses 2(1) (f), (g), (i), (q), 3, 4, 5, 6, 7, 8, 17 of the order]*

(Affix a recent passport size photograph here)

1. Licence No.

Subject to the provisions of the Maharashtra Solvent, Raffinate and Slop (Licensing) Order, 2007 and to the terms and conditions of this licence and all other instructions and orders issued by the Government or the Licensing authority from time to time in this behalf (Name of Licensee) is hereby authorized to Acquire, store and sell solvent, raffinate and slop.

2. Address of Registered office of the firm .....



## The Maharashtra Solvent Raffinate & Slop (Licensing) Order, 2007

3. Area of Operation : .....

4. Shop and Establishment Registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

5. State Sales Tax registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

6. Central Sales Tax registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

7. Explosives license details:

License No.	Date of issue	Validity Date	Issuing authority	Licensed Capacity (KL)

8. Storage Details:

Location (Address)	Capacity (KL)	Whether assigned for any other license, if yes details.

9. Monthly capacity of licence :

Sr. No.	Type of Solvent	Monthly Capacity in K.L.
1		
2		
3		

10. The licensee shall maintain true and proper records and accounts of all the transactions related to the Acquisition, sale, storage for sale of solvent, raffinate and slop and issue cash memo/payment receipt to customers purchasing solvent, raffinate and slop and shall also maintain all other records as expected from him or as directed by the Government or the Licensing authority and shall submit quarterly end use certificates to the licensing authority.

11. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorized by him for inspection of his stocks and accounts of solvent, raffinate and slop and produce the licence for inspection of his stocks and accounts of solvent, raffinate and slop and produce the licence for inspection on demand.
12. The licensee shall comply with any directions that may be issued to him by the Government or by the licensing authority or by any officer authorized by the licensing authority in this behalf, in regard to the methods of acquisition, transport, sale and storage for sale of solvent, raffinate and slop which the Government or licensing authority or any officer authorized by the licensing authority may deem fit.
13. (other conditions which the licensing authority feels necessary)
14. This licence shall be valid upto
15. Details of renewal of licence

Due date of Renewal	Actual Date of Renewal	Validity Date of Renewal	Sign and Seal of Licensing Authority

Date :

Place :

(Licensing Authority)

-----

**Form IV-A**

(Format for the Certificate of Registration of Consumer)

*[See clauses 2(1) (d), (g), N, 3, 4, 5, 6, 7, 8 of the order]*

(Affix a recent passport size photograph here)

1. Registration No

Subject to the provisions of the Maharashtra Solvent, raffinate and slop (Licensing) Order, 2007 and to the terms and conditions of this registration and all other instructions and orders issued by the Government or the Licensing Authority from time to time in this behalf (Name of Consumer) is hereby registered as a consumer of Solvent, Raffinate and Slop.

## The Maharashtra Solvent Raffinate & Slop (Licensing) Order, 2007

2. Address of Registered office of the firm: .....

3. Shop and Establishment / Industry Registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

4. State Sales Tax registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

5. Central Sales Tax registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

6. Monthly consumption :

Sr. No.	Type of Solvent	Monthly Capacity in K.L.
1		
2		
3		

7. The registered consumer shall maintain true and proper records and accounts of all the transactions related to the Acquisition, sale, storage for sale of solvent, raffinate and slop and all other records as expected from him or as directed by the Government or the Licensing Authority and shall submit quarterly end use certificates to the licensing authority.

8. The registered consumer shall give all facilities at all reasonable times to the licensing authority or any officer authorized by him for inspection of his stocks and accounts of solvent, raffinate and slop and produce the certificate of registration for inspection of his stocks and accounts of Solvent, Raffinate and Slop and produce the certificate of registration for inspection on demand.

9. The registered consumer shall comply with any directions that may be issued to him by the Government or by the licensing authority or by any officer authorized by the licensing authority in this behalf, in regard to the methods of Acquisition, Storage or consumption of solvent, raffinate and slop which the Government or licensing authority

or any officer authorized by the licensing authority in this behalf, in regard to the methods of Acquisition, Storage or consumption of solvent, raffinate and slop which the Government or licensing authority or any officer authorized by the licensing authority may deem fit.

10. (Other conditions which the licensing authority feels necessary).
11. This registration shall be valid upto
12. Details of renewal of registration

Due date of Renewal	Actual Date of Renewal	Validity Date of Renewal	Sign and Seal of Licensing Authority

Date :

Place :

(Licensing Authority)

-----

**Form V-A**

(Format for the Tankage Licence)

*[See clauses 2(1), (g), (i), (o) 3, 4, 5, 6, 7, 8 of the order]*

(Affix a recent passport size photograph here)

1. Licence No. : .....

Subject to the provisions of the Maharashtra Solvent, Raffinate and Slop (Licensing) Order, 2007 and to the terms and conditions of this licence and all other instructions and orders issued by the Government or the Licensing Authority from time to time in this behalf (Name of Licensee) is hereby authorized to only store solvent, raffinate and slop.

2. Address of Registered office of the firm .....
3. Shop and Establishment Registration :

## The Maharashtra Solvent Raffinate & Slop (Licensing) Order, 2007

Registration No.	Date of registration	Validity Date	Issuing Authority

4. State Sales Tax registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

5. Central Sales Tax registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

6. Explosives license details:

License No.	Date of issue	Validity Date	Issuing authority	Licensed Capacity (KL)

7. Storage Details:

Location (Address)	Capacity (KL)	Whether assigned for any other license, if yes details.

8. Monthly capacity of licence :

Sr. No.	Type of Solvent	Monthly Capacity in K.L.
1		
2		
3		

9. The licensee shall maintain true and proper records and accounts of all the transactions related to the storage of solvent, raffinate and slop and shall also maintain all other records as expected from him or as directed' by the Government or the Licensing Authority and shall submit quarterly end use certificates to the Licensing Authority.

10. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorized by him for inspection of his stocks and accounts of solvent, raffinate and slop and produce the licence for inspection of his stocks and accounts of solvent, raffinate and slop and produce the licence for inspection on demand.

11. The licensee shall comply with any directions that may be issued to him by the Government or by the licensing authority or by any officer authorized by the licensing authority in this behalf, in regard to Storage of solvent, raffinate and slop which the Government or licensing authority or any officer authorized by the licensing authority may deem fit.
12. The licensee shall not store the Solvent, Raffinate and Slop for any person except that of a licensee as defined under this order.
13. (Other conditions which the licensing authority feels necessary)
14. This licence shall be valid upto
15. Details of renewal of licence :

Due date of Renewal	Actual Date of Renewal	Validity Date of Renewal	Sign and Seal of Licensing Authority

Date :

Place :

(Licensing Authority)

-----

**Form VI**

(Format for the Transport Pss)

*[See clauses 2 (g), (q) and 17 of the order]*

1. Name of the licensee :.....
2. Licence No. : .....

Subject to the provisions of the Maharashtra Solvent, Raffinate and Slop (Licensing) Order, 2007 and to the terms and conditions of the licence and all other instructions and orders issued by the Government or the Licensing Authority from time to time in this behalf Transport Pass No. is hereby issued to the above licensee for the acquisition and transportation for onward sale without storage of the Solvent, Raffinate and Slop. This Transport Pass is valid for lifting up to Date (Seven days from the date of issue).

{\*(To be numbered separately for every licensee/month) (e.g. 06/Jan, 2006)}

3. Name of the supplying Oil Company
4. Name of the supply Depot : .....

## The Maharashtra Solvent Raffinate & Slop (Licensing) Order, 2007

### 5. Issue Statement :

Sr. No.	Name of Solvent	Tanker No.	Quantity in K. L.	Issue from depot	
				Date and time	Sign and seal of Oil Company depot authority
(1)	(2)	(3)	(4)	(5)	(6)
1					
2					
3					

\* Columns (1) to (4) must be filled by licensee before issuing the Transport pass.

### 6. Distribution Statement

Sr. No.	Name of Solvent	Tanker No.	Quantity in K. L.	Details of Receiving licensee/Registered Consumer			Maximum Period for of filing delivery, report from them date of lifting	Receipt	
				Name & Address	Licence Registration No	Distance from depot		Date and time	Sign and seal of receiving licensee
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1									
2									
3									

\* Column (1) to (8) must be filled before issuing the Transport pass.

Date of Issue of transport pass

Name, designation, Sign and  
Seal of Licensing Authority / Authorized Officer.

By order and in the name of the Governor of Maharashtra,

P. J. Jadhav,  
Under Secretary to Government

**THE NAPHTHA (ACQUISITION, SALE, STORAGE AND PREVENTION OF USE IN AUTOMOBILE) ORDER, 2000.**

---

**Ministry of Petroleum and Natural Gas,**

New Delhi.

**Dated June 5, 2000.**

Notification

**No. G.S.R. 518 (E)** - In exercise of the powers conferred by section 3 of the **Essential Commodities Act, 1955** (Central Act 10 of 1955), the Central Government hereby makes the following order, namely-

**1. Short title, extent and commencement**

- (1) This Order may be called **The Naphtha (Acquisition, Sale, Storage and Prevention of use in Automobile) Order, 2000.**
- (2) It extends to the whole of India.
- (3) It shall come into force on the date of its publication in the *Official Gazette*.

**2. Definitions.**

In this Order, unless the context otherwise requires-

- (a) **“Automobile”**, means any vehicle registered with the Road Transport Authority by any person where fuel certified for use in such automobile is Motor Spirit, High Speed Diesel, Liquefied Petroleum Gas or Compressed Natural Gas;
- (b) **“Government Oil Company”** means an oil refining company or oil marketing company which is also a Government company as defined in Section 617 of the Companies Act, 1956;
- (c) **“High Speed Diesel”** means any hydrocarbon oil (excluding mineral colza oil and turpentine substitute) which meets the requirements of Bureau of Indian Standards Specification No. IS-1460 and is suitable for use as fuel in Compression Ignition Engines;
- (d) **“Motor Spirit”** means any hydrocarbon oil (excluding crude mineral oil) which meets the requirements of Bureau of Indian Standards Specification No. IS-2796 and is suitable for use as fuel in Spark Ignition Engines;
- (e) **“Naphtha”** is a light hydrocarbon liquid with 90% volume distillation, by ASTM D-86 distillation method, of 190 degree Centigrade or less;



## **The Naphtha (Acquisition, Sale, Storage & Prevention of use in Automobile) Order, 2000**

- (f) **“Oil Company”** means any person, firm or company authorized by the Central Government who is engaged in the sale of Motor Spirit or High Speed Diesel to consumers or dealers.

### **3. Restriction on sale and use of Naphtha.**

- (i) No person shall either acquire, store and/or sell Naphtha, without a licence, issued by the State Government or District Magistrate or any other Officer authorized by the Central or State Government.

<sup>1</sup>[(ii) No person shall use or help in use of Naphtha as fuel in any Automobile.]

- (iii) No person shall either adulterate or help in any manner adulterating of Motor Spirit and High Speed Diesel with Naphtha.

- (iv) Every person whosever is engaged in sale or trading of Naphtha either imported or indigenous, for any purpose, whatsoever, shall file end-use certificates from consumers to whom he sells and also furnish customer-wise sales to the District Magistrate or the State Civil Supplies Authorities by whatever name called, on a quarterly basis.

- (v) Every person whosever is engaged in actual use of Naphtha either imported or indigenous for manufacture of any petrochemicals or any other purpose shall file end-use certificates to the District Magistrate or the State Civil Supplies Authorities by whatever name called, on a quarterly basis.

<sup>2</sup>[Provided that the provisions of sub-clauses (i), (iv) and (v) shall not be applicable to the following companies, namely:-

- (i) Indian Oil Corporation Limited (IOCL)
- (ii) Bharat Petroleum Corporation Limited (BPCL)
- (iii) Hindustan Petroleum Corporation Limited.
- (iv) I B P Co. Limited
- (v) Oil and Natural Gas Corporation Limited (ONGC)
- (vi) Gas Authority of India limited (GAIL)
- (vii) Oil India limited (OIL)
- (viii) Kochi Refineries Limited (KRL)
- (ix) Chennai Petroleum Corporation Limited (CPCL)

- (x) Bongaibgaon Refinery and Petro-chemicals Limited (BRPL)
- (xi) Numaligarh Refinery Limited (NRL)
- (xii) Lubrizol India Limited (LIL)
- (xiii) Biecco Lawrie and Co. Limited
- (xiv) Indian Additives Limited (Subsidiary of CPCL)
- (xv) Indian Oil Blending Limited (Subsidiary of IOC)
- (xvi) ONGC Videsh Limited (A wholly owned subsidiary of ONGC)
- (xvii) Balmer Lawrie and Co. Limited
- (xviii) Mangalore Refinery and Petro-chemicals Limited (Subsidiary of ONGC)
- (xix) Essar Oil Limited (EOL)]
- <sup>3</sup>[(xx) Reliance Industries Limited.]

**1. Substituted by G S R No. 594 (E), dated 25.9.2006.**

**2. Inserted by G S R No. 381 (E), dated 29.05.2009;**

**3. Inseted by G S R No. 281 (E), dated 26.03.2010.**

**4. Power of search and seizure.**

- (1) Any Gazetted Officer of the Central or the State Government or any Police Officer not below the rank of Deputy Superintendent of Police duly authorized, by general or special order by the Government or any officers of a Government Oil Company or any other Oil Company authorized by Central Government, not below the rank of Sales Officer may, with a view to securing compliance with the provisions of this Order, or for the purpose of satisfying himself that this order -or any order made there under has been complied with,-
  - (a) Enter and search any place or premises being made use of or suspected to be made use of in the business of the dealer, transporter, consumer or any other person who is an employee or agent of such dealer/transporter/consumer with respect to which there is reason to believe that the provisions of this order have been/are being or are about to be contravened;
  - (b) Stop and search any person or vehicle or receptacle used or intended to be used for the movement of the product or receiving the product in contravention of this order;

## **The Naphtha (Acquisition, Sale, Storage & Prevention of use in Automobile) Order, 2000**

- (c) Inspect any book of accounts or other document or any stock of the product used or suspected to be used in the business of the dealer, transporter, consumer or any other person suspected to be an employee or agent of the dealer, transporter or consumer;
  - (d) Take samples of the product and/or seize any of the stocks of the 'product which the officer has reason to believe has been or is being or is about to be used in contravention of this order and hereafter take' or authorize the taking of all measures necessary, for securing the production of stocks/ items so seized before the Collector having jurisdiction under the provisions of the Essential Commodities Act, 1955 (10 of 1955) and for their safe custody pending such production.
- (2) While exercising the power of seizure provided under clause 1(d) the authorized officer shall record in writing the reasons for doing so, a copy of which shall be given to the dealer, transporter, consumer or any other concerned person.
  - (3) The provisions of Section 100 of the Code of Criminal Procedure, 1973 (2 of 1974), relating to search and seizure shall, as far as may be, apply to searches and seizures under this Order.

### **5. Sampling of Product.**

- (1) The officer authorized in Clause 4 shall draw the sample from the tank, nozzle, vehicle or receptacle, as the case may be, to check whether the provisions of this order are, being or likely to be contravened.
- (2) The officer authorized in Clause 4 shall take, sign and seal three samples of 750 ml to 1 litre each of the product, one to be given to the concerned person under acknowledgement with instructions to preserve the sample in his safe custody till the testing and investigations are completed, the second sample to be kept by the concerned oil company or department and the third to be used for laboratory analysis.
- (3) Samples shall be taken in clean glass or aluminium containers. Plastic containers shall be used for drawing samples.
- (4) The sample label should be jointly signed by the officer who has drawn the sample, and the concerned person or his representative and the label shall contain information as regards the product, place of seizure, quantity of sample, date, name and • signature of the concerned person or his representative.

- (5) The authorized officer shall send the third sample of the product taken under sub-clause(2), immediately or in any case within a period of 10 days, to any of the laboratories specified in Schedule III of the Motor Spirit and High Speed Diesel.(Regulation of Supply and Distribution and Prevention of Malpractices) Order, 1998 for the purpose of analysis of samples to check the product.

**6. Power of Central and the State Government to issue directions.**

The Central Government of a State Government with the approval of the Central Government may, from time to time, by a general or special order issue to any person such directions as it considers necessary regarding storage, sale, transportation and disposal and use of product and 'upon the issue of such directions, such person shall be bound to comply therewith.

**7. Provision of the Order to prevail over previous orders of State Government.**

The provisions of this Order shall have effect notwithstanding anything to the contrary contained in any order made by a State. Government or by an officer of such State Government before the commencement of this Order except as respects anything done, or omitted to be done thereunder before such commencement.

(File No. P. 11013/1/2000-Dist.)



**THE MAHARASHTRA NAPHTHA (ACQUISITION, SALE,  
STORAGE AND PREVENTION OF USE IN AUTOMOBILES)  
LICENSING ORDER, 2000**

---

**Food, Civil Supplies And Consumer Protection Department**

Mantralaya, Mumbai 400 032,

**Dated the 9th August, 2000.**

**Order**

Naphtha (Acquisition, Sale, Storage And Prevention of Use In Automobiles) Licensing Order, 2000.

**No. SPP. 1000/CR.609/CS.27-** In pursuance of the provisions of sub-clause (i), of clause 3 of the Naphtha (Acquisition, Sale, Storage and Prevention of use in Automobiles) Licensing Order, 2000 and of all other powers enabling the Government of Maharashtra in this behalf, the Government of Maharashtra hereby makes the following Order, namely :-

**1. Title and extent.**

- (1) This Order may be called “The Maharashtra Naphtha (Acquisition, Sale, Storage and Prevention of Use in Automobiles) Licensing Order, 2000.”
- (2) It extends to the whole of the State of Maharashtra.

**2. Definitions.**

In this Order, unless the context otherwise, requires,

- (a) “**Automobile**” means any vehicle registered with Road Transport Authority by any person where fuel certified for use in such automobile is Motor Spirit, High Speed Diesel, Liquefied Petroleum Gas or Compressed Natural Gas;
- (b) “**Collector**”, means the Collector of. the district; and includes the Additional Collector, the District Supply Officer, an Assistant District Supply Officer, Foodgrains Distribution Officer in the areas mentioned in Schedule-I of the Maharashtra scheduled Foodgrains (Regulation of Distribution) Order, 1966, and such other officer or officers as may be authorized by the Collector in this behalf;
- (c) “**Commissioner**”, means a Commissioner for a Division appointed under the Maharashtra Land Revenue Code, 1966, and includes - an Additional Commissioner and Deputy Commissioner (Supply) ;

**The Maharashtra Naphtha (Acquisition, Sale, Storage & Prevention of use in Automobiles) Order, 2000**

- (d) **“Consumer”**, means a person who is engaged in actual use of Naphtha for manufacture of any petrochemical or for any other purpose, except for use in Automobile;
- (e) **“Controller of Rationing”**, in any area for which a Controller of Rationing has been appointed by Government, means that officer includes a Deputy or Assistant Controller of Rationing;
- (f) **“Dealer”**, means a person engaged in the business of acquisition sale or storage for sale of Naphtha whether in conjunction with any other business or not, and includes an agent of oil company, who has entered into an agreement with the company, to obtain and distribute Naphtha and engaged in the business of buying and selling Naphtha;
- (g) **“Form”** means a Form appended to this Order;
- (h) **“High Speed Diesel”**, means any hydrocarbon oil (excluding mineral coiza oil and turpentine substitute) which meets the requirements of Bureau of Indian Standards specification No.IS-1460 and is suitable for use as ‘fuel’ in Compression Ignition Engines;
- (i) **“Licence”**, means a licence issued under this Order;
- (j) **“Licensee”**, means a person holding a licence issued under this Order;
- (k) **“Licensing authority”**, means the Authority appointed by the State Government under clause (3) of the Naphtha (Acquisition, Sale, Storage and Prevention of Use in Automobiles) Order, 2000, to perform the duties of the Licensing Authority under this Order and includes in the Mumbai- Thane Rationing Area, the Controller of Rationing, Deputy Controller of Rationing and elsewhere, the Collector, Additional Collector, Foodgrains Distribution Officer in the areas mentioned in schedule-I of The Maharashtra Schedule Foodgrains (Regulation of Foodgrains) Order, 1966 and District Supply Officers;
- (l) **“Naphtha”**, is a light hydrocarbon liquid with 90 volume distillation, by ASTM D-86 distillation method, of 190 degrees Centigrade or less;
- (m) **“State Government”** or **“Government”**, means the Governor of Maharashtra;
- (n) **“Storage point”**, means the premises approved or licensed by the Chief Controller of Explosives appointed under the Indian Explosives Act, 1884 (4 of 1884).

Words and expressions used in this Order but not defined shall have the meanings respectively assigned to them in the Naphtha (Acquisition, Sale, Storage and Prevention of use in Automobiles) Order, 2000, or in the Essential Commodities Act, 1955, as the case may be.

**3. Prohibition against carrying on business of acquiring, sale, storage or use of Naphtha without licence.**

(i) No person shall either acquire, store or sale Naphtha, except under and in accordance with the terms and conditions of a licence issued in this behalf by the Licening Authority.

+[(ii) No person shall either use or help in use of Naphtha as a fuel in any automobile.]

(iii) No person shall either adulterate or help in any manner adulterating of Motor Spirit and High Speed Diesel with Naphtha.

(iv) Every person whosoever is engaged in sale or trading of Naphtha either imported or indigenous, for any purpose, whatsoever, shall file end-use certificates from consumers to whom he sells and also furnish customer-wise sales to the Licensing Authority; on a quarterly basis.

(v) Every person whosoever is engaged in actual use of Naphtha either imported or indigenous, for manufacture of any petrochemicals or any other purpose shall file end-use certificate to the Licensing Authority, on a quarterly basis.

+ **Substituted by Notification No. Naphtha. 1006/2024/ CR-2504/CS-24, dated 23.01.2007.**

**4. Application for licence.**

An application for grant of a licence under this Order shall be made to the licensing authority in Form-I. Every such application shall be accompanied a fee of +[Rs. 500 (five hundred only) payable by Demand Draft] ;

Provided that-

(a) Every person desiring to acquire, sale, store and use of Naphtha after the commencement of this Order, shall apply for and obtain a licence under this Order to the Licensing Authority;

(b) any person who immediately, before the commencement of this Order, doing business of acquiring, selling, storing and using Naphtha, shall apply for the issue of a licence under this Order within a period of ten days from the date of commencement of this Order.



**The Maharashtra Naphtha (Acquisition, Sale, Storage & Prevention of use in Automobiles) Order, 2000**

+ **Substituted for “Rs. 1,000 (One thousand Only)” by Notification No. SPP, 1000/CR-609/CS-27 dated 18.08.2000.**

**5. Security Deposit.**

Every person applying for a licence shall, before such licence is issued to him, deposit with the licensing authority, the following [sum payable by Demand Draft] as Security for the due performance of the terms and, conditions of licence to be issued to him, namely :-

Rs.

(i)	For acquisition, sale, storage and use of quantity of Naphtha upto 200 M.T.S.D. per month.	Rs.5,000
(ii)	For acquisition, sale, storage and use of quantity of Naphtha from 201 to 500 M.Ts. per month.	20,000
(iii)	For acquisition, sale, storage and use of quantity of Naphtha from 501 to 1000 M.Ts. per month.	30,000
(iv)	For acquisition, sale, storage and use of quantity of Naphtha from 1001 to 2000 M.Ts per month.	40,000
(v)	For acquisition, sale, storage and use of quantity of Naphtha from 2001 to 3000 M.Ts. and above per month.	50,000

+ **Substituted for “sum in cash” by Notification No. SPP. 1000/CR-609/CS-27 dated 18.08.2000.**

**6. Issue of licence.**

- (1) Licensing Authority shall, on receipt of the application for a licence in prescribed form and on the payment of prescribed licence fee and security deposit, make such inquiry, as it may deem fit and issue the licence within a period of 45 days from the date of application.
- (2) Licence issued Under this order to the person acquiring, selling, storing and using Naphtha shall be in Form-II.

**7. Period of Licence.**

Every Licence granted under this Order shall be valid for a period of one year from the date of issue of the licence and may be renewed for a period of two years, at a time.

**8. Renewal of Licence.**

- (1) Every licensee, who desires to get his licence renewed, shall apply for the renewal thereof in Form-1 along with the renewal fee of +[Rs. 250 (two hundred and fifty only) payable by Demand Draft], not less than 20 days before the date of its expiry.
- (2) A Licence may be renewed, at a time for a period of two years and shall be in Form-II.
- (3) No application for the renewal of a licence made after the expiry of the period mentioned in clause (1) shall be entertained by the Licensing Authority, unless the said authority is satisfied that the application for the renewal could not be made in time, for valid and sufficient reasons and a late fee of Rs. 10 per day shall be charged;

Provided that, no application for the renewal of licence shall be entertained after the expiry of a period of 30 days from the date of expiry of licence.

- (4) Where it is found that a licensee is carrying on his business of acquiring, selling, storing and using Naphtha without renewal of his licence, within the prescribed time limit, after the expiry of its validity, then subject to the provisions of Sub Clause (3) above, a fine of Rs. 50 per day shall be levied and recovered from him;

Provided that, if a person is found carrying on his business of acquisition, sale, storage and use of Naphtha without applying for renewal of his licence, after the expiry of the time limit prescribed in sub-clause (3) above, the remaining amount of security deposit shall stand forfeited to the government;

Provided further that, licensee shall not be liable for any fine,-

- (i) if he has already applied for the renewal of a licence within the prescribed period in sub-clause (1) and is waiting renewal of licence by the licensing authority;
- (ii) if his late application is accepted by Licensing Authority after payment of late fee and is awaiting renewal of his licence, under sub-clause (3).

+ **Substituted for “Rs. 500” by Notification No. SPP.1000/CR-609/CS-27 dated 18.08.2000.**

**9. Replacement of defaced, lost or destroyed licences.**

If a licence issued under this Order is defaced, lost or destroyed and an application in Form I alongwith such information, as may be required by the Licensing Authority,

**The Maharashtra Naphtha (Acquisition, Sale, Storage & Prevention of use in Automobiles) Order, 2000**

shall be made to that authority for obtaining a duplicate licence and Licensing Authority may after making such inquiry as he may think fit, issue a duplicate licence, after charging a fee of Rs. One hundred.

**10. Power to refuse licence.**

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

**11. Provision for cancellation or suspension of licence.**

On contravention of any of the terms and conditions, of the licence, by a licensee or his agent or servant or any other person acting on his behalf, the Licensing Authority may, by Order in writing, without prejudice to any other action that may be taken against the licensee, suspend or cancel the licence;

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

**12. Forfeiture of Security Deposit.**

(1) Without prejudice to the provisions of the clause 11, if the licensing authority is satisfied that the licensee has contravened any of the terms or conditions of the licence and that a forfeiture of the security deposit is called for, he may, 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 deposit deposited by him and communicate a copy of the Order to the licensee;

Provided that, where a cancellation of the licence is duly ordered by the licensing authority, the order of cancellation shall also be accompanied by an order forfeiting the entire deposit.

(2) The licensee shall, if the amount of security at any time, falls short of the amount specified in clause 5, forthwith deposit further security to make up that amount, on being required by the licensing authority to do so.

(3) Where the licensee surrenders his licence to the Licensing Authority, before the expiry of or within 30 days from the date of expiry of the licence, the Licensing Authority shall return to the licensee the whole of the amount of security deposit or, as the case may be, such part thereof has not been forfeited.

**13. Maintenance of register of accounts.**

Every licensee shall maintain Register of Accounts as laid down in terms and conditions of his licence and show there in such other particulars of the daily accounts, as the Licensing Authority may be, order in writing, issued from time to time, specify.

**14. Filing of end use Certificates.**

- (1) (a) Every person whosoever is engaged in sale or trading of Naphtha either imported or indigenous, for any purpose, whatsoever, shall file end-use certificates from consumers to whom he sells and also furnish customer-wise sales to the Licensing Authority, on a quarterly basis.
- (b) Every person whosoever is engaged in actual use of Naphtha either imported or indigenous, for manufacture of any petrochemicals or any other purpose, shall file end-use certificates to the Licensing Authority, on a quarterly basis.
- (2) Any person who contravenes the provisions of sub-clause (1) above, shall be liable for action under clause 11 or 12, as may be deemed fit. Such action shall be without prejudice to any other action that may be taken against him under section 7 of Essential Commodities Act, 1955.

**15. Power of entry, search and seizure.**

- (1) The Controller of Rationing, Deputy Controller of Rationing, Assistant Controller of Rationing, Divisional Commissioners, Deputy Commissioners (Supply), District Collectors, Additional Collectors, District Supply Officers, Sub-divisional Officers, Assistant District Supply Officers, Tahsildars and Foodgrains Distribution Officers, Assistant Foodgrains Distribution Officers in the areas mentioned in schedule-I of Maharashtra Schedule Foodgrains (Regulation of Distribution) Order, 1966 with a view to secure compliance with this Order or to satisfy himself that this order has not been contravened and with such assistance, if required, as he thinks fit,-
  - (a) enter and search any place or premises being made use of or suspected to be made use of in the business of acquiring, selling, storing and using Naphtha or any other person who is an employee or agent of such person acquiring, selling, storing and using Naphtha, who with respect to which there is reason to believe that the provisions of this Order have been or are being or are about to be contravened;
  - (b) Stop and search any person or vehicle or receptacle used or intended to be used for the movement of the product or using or receiving the product in contravention of this Order;
  - (c) inspect any book of accounts or other documents or any stock of the product used or suspected to be used in the business of acquiring, selling, storing and using Naphtha or any other person suspected to be an employee or agent of the person acquiring, selling, storing and using Naphtha;

**The Maharashtra Naphtha (Acquisition, Sale, Storage & Prevention of use in Automobiles) Order, 2000**

- (d) take samples of the product and/or seize any of the stocks of the product which the officer has reason to believe has been or is being or is about to be used in contravention of this Order and hereafter take or authorize the taking of all measures necessary for securing the production of stocks/items so seized before the Collector having jurisdiction under the provisions of the Essential Commodities Act, 1955 (10 of 1955) and for their safe custody pending such production;
  - (e) while exercising the power of seizure provided under sub clause (d) of this clause, the authorized officer shall record in writing the reasons for doing so, a copy of which shall be given to the person acquiring, storing, selling and using Naphtha.
- (2) The provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974), relating to search and seizure shall, as far as may be apply to searches and seizures under this Order.

**16. Sampling of Product.**

- (1) The Officer authorized in clause 15 of this Order shall draw the sample from the tank, nozzle, vehicle or receptacle as the case may be to check whether the provisions of this Order are being or likely to **be** contravened.
- (2) The Officer authorized in Clause 15 shall take, sign and seal three samples of 750 ml. to **1** litre each of the **product, one** to be given to the concerned person under acknowledgement with instructions to preserve the sample in his safe custody till the testing/investigations are completed, the second sample to be kept by the concerned oil company or department and the third to be used for laboratory analysis.
- (3) Samples shall be taken in clean glass or aluminium **containers**. Plastic containers shall not be used for drawing samples.
- (4) The sample label should be jointly signed by the officer who has drawn the sample, and the concerned person or his representative and the label shall contain information as regards the product, place of seizure, quantity of sample, date, name and signature of the concerned person or his representative.
- (5) The authorized officer shall send the third sample of the product taken under sub-clause (2), immediately or in any case within 10 days, to any of the laboratories specified in Schedule-III of the Motor **spirit** and High Speed Diesel (Regulation of Supply and Distribution and Prevention of Malpractices) Order, 1998 for the purpose of analysis of samples to check the product.

**17. Power to grant exemptions.**

The State Government may, if it is necessary in the public interest to do so, with prior concurrence of Central Government, by order, exempt any person or class of persons from the operation of all or any of the provisions of this Order for such period and subject to such conditions (if any) as may be specified, and may at any time suspend or cancel such exemption.

**18. Appeal.**

- (1) Any person aggrieved by any Order of the licensing authority refusing to issue or renew a licence or canceling or suspending a licence or forfeiting the security deposit deposited by him under the provisions of this order, may appeal to such Officer (not below the rank of Deputy Secretary to Government) in the Food, Civil Supplies and Consumer Protection Department of Government as may be designated by the Government for the purpose.
- (2) Every such appeal shall be made within thirty days on the date of receipt of the Order appealed against by the person appealing;

Provided that the appellate authority may admit an appeal after the expiry of the said period' if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within the said period.

- (3) No Order shall be made by the appellate authority under this clause unless the aggrieved person has been given a reasonable opportunity of stating his case.
- (4) Pending the disposal of the appeal, the appellate authority may direct that the order of the licensing authority shall not take effect until the appeal is disposed off.

**19. Revision**

- (1) The State Government may, on an application made or *suo motto* at any time before the expiry of two years from the date of, any order passed by the licensing authority or any other competent authority under this Order, and in which no appeal has been filed and appeal, if any, is filed and disposed off, call for the records of the proceedings underlying such order for the purpose of satisfying itself as to the legality or propriety of such order or as to the regularity of such proceedings and if it shall appear to the State Government that such order or proceedings should be modified, annulled or confirmed, it may pass such order as it deems fit:

**The Maharashtra Naphtha (Acquisition, Sale, Storage & Prevention of use in Automobiles) Order, 2000**

Provided that the State Government may at any time during the pendency any enquiry or proceeding may call for an examine the record of any such enquiry for proceeding and pass such order thereon as it thinks fit:

Provided further that, no order shall be made under this clause unless the person who is likely to be aggrieved thereby has been given a reasonable opportunity of pleading his case:

Provided also that, before rejecting any application for the revision of any such order, the State Government shall record reasons for such rejection.

- (2) Pending the disposal of the revision proceedings under this clause, the State Government may direct that the order passed by the licensing authority or other competent authority shall not take effect until an order is passed by it.

By order and in the name of the Governor of Maharashtra,

A.R. Dalwai  
Secretary to Government

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**Form I**

*(See Clause 4)*

Application for issue of Licence/Renewal' of Licence/Duplicate Licence  
for Acquisition, Storage, sale and use of Naphtha.

To

The Controller of Rationing/Additional Collector

1. Name of the applicant .....
2. Type of firm (strike out whichever is not applicable).-
  - (a) Public Limited Company/Private Limited Company/ Partnership firm/  
Proprietorship firm/Others .....
  - (b) Trader/Processor/Manufacturer/Consumer/Other .....
3. Address :-
  - (a) Registered office .....
  - (b) Storage point(s) .....

4. Names, addresses, telephone numbers of Directors/ Partners/ Proprietor(s):

Sr. No.	Name	Office		Residence	
		Address	Telephone No.	Address	Telephone No.
1.					
2.					

5. Industry Registration/Licence Details :

Registration Number	Date of Issue	Valid upto	Issuing Authority

6. State Sales Tax Registration Details :

(a) State Sales Tax :

Registration Number	Date of Issue	Valid upto	Issuing Authority

(b) Central Sales Tax :

Registration Number	Date of Issue	Valid upto	Issuing Authority

7. Explosives license details:

License No.	Date of issue	Valid upto	Storage Capacity Licenced (in Kilolitres)

8. Details of Storage :

Location	Tank Number	Capacity (in kilolitres)



**The Maharashtra Naphtha (Acquisition, Sale, Storage & Prevention of use in Automobiles) Order, 2000**

9. Use of Naphtha for which the licence is required :

- (1) .....
- (2) .....
- (3) .....
- (4) .....
- (5) .....

10. (a) Quantity of Naphtha for which Licence is applied .....(in kilolitres)

(b) Material balance for which Naphtha is/are required:

(i) Process (attach details)

.....  
 .....

(ii) Material balance of each unit of Naphtha consumed -

End Products	Production
Product A	..... %
Product B	..... %
.....	....%
.....	....%
Wastage	....%
Total	100%

***Declaration***

Certified that the above information is true to the best of my knowledge and belief and the information as annexures and statements accompanying this application are correct, complete and truly stated, and if any statement made here is found to be incorrect, I shall be liable for action under the provisions of law.

Date :

Place :

Signature :

Name :

Office of The Controller Of Rationing/Additional Collector

**Receipt**

Received on this ..... day of ..... application dated.....for the licence under the Maharashtra Naphtha (acquisition, Storage, Sale and Prevention of use in Automobiles) Licensing Order, 2000 from

M/s .....

Receiving Authority,  
Office of the Controller of  
Rationing/ Additional Collector

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**Form II**

*(See Clause 6)*

Format in which Licence is issued for Acquisition, Storage, Sale and use of Naphtha.

1. Name of Trader/Processor/  
Manufacturer/Consumer/Others.

--

2. Type of firm (strike out whichever is not applicable)  
Public Limited Company/Private Limited Company/  
Partnership Firm/ Proprietorship Firm/Others.

3. Address.

(a) Registered Office

(b) Storage point(s)


**The Maharashtra Naphtha (Acquisition, Sale, Storage & Prevention of use in Automobiles) Order, 2000**

4. Names, addresses, telephone numbers of Directors/ Partners/ Proprietor(s):

Sr. No.	Name	Office		Residence	
		Address	Telephone No.	Address	Telephone No.
1.					
2.					

5. Industry Registration/Licence Details :

Registration /Licence No.	Date of Issue	Valid upto	Issuing Authority

6. State Sales Tax Registration Details :

(a) State Sales Tax :

Registration Number	Date of Issue	Valid upto	Issuing Authority

(b) Central Sales Tax :

Registration Number	Date of Issue	Valid upto	Issuing Authority

7. Explosives license details:

License No.	Date of issue	Valid upto	Storage Capacity Licenced (in Kilolitres)

8. Details of Storage :

Location	Naphtha	Tank Number	Capacity (in kilolitres)

9. End use of Naphtha for which the licence is granted :

- (1) .....
- (2) .....

- (3) .....
- (4) .....
- (5) .....

10. Other conditions of the Licence :

.....

.....

.....

11. Details of Naphtha Licence :

License No.	Date of issue	Valid upto	Licensed Quantity Per Year (in Kilolitres)

- 12. The Licensee shall maintain true and proper accounts of all purchases and sales of Naphtha and issue cash memo/payment receipt to customers purchasing quantity of Naphtha.
  - 13. The Licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorized by him for inspection of his stocks and accounts of Naphtha and produce the licence of inspection on demand.
  - 14. The licensee shall comply with any directions that may be issued to him by the State Government or by the licensing authority or by any officer authorized by the licensing authority in this behalf, in regard to acquisition, storage, sale and use of Naphtha which the State Government or licensing authority or such officer may think fit to regulate.
- (\* ) Licence shall be issued for a period of one year and thereafter shall be renewed for two years on each occasion.

Date :

Place :

Signature :  
 Name :  
 Designation:  
 Seal/-



**THE MAHARASHTRA NAPHTHA (LICENSING) ORDER, 2009.**

**Food, Civil Supplies And Consumer Protection Department**

Mantralaya, Mumbai 400 032.

**Dated 14th January 2009**

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NAPHTHA (ACQUISITION, SALE, STORAGE AND PREVENTION OF USE IN AUTOMOBILES) Order, 2000.

**No Naphtha-1008/CR. 55/CS-24 -In** pursuance of provisions of sub-clause (i) of clause 3 of the Naphtha (Acquisition, Sale, Storage and Prevention of Use in Automobiles) Order, 2000 and of all other powers enabling in this behalf, and in super session of the Maharashtra Naphtha (Acquisition, Sale, Storage and Prevention of Use in Automobiles) Licensing Order, 2000 and any other Order, Notification or Instrument, in force, the Government of Maharashtra hereby makes the following Order, namely:-

**1. Short Title and extent.**

- (a) This Order may be called “The Maharashtra Naphtha (Licensing) Order, 2009”.
- (b) It extends to the whole of the State of Maharashtra.

**2. Definitions.**

In this Order, unless the context otherwise requires -

- (1) (a) “**Automobile**”, means any vehicle registered with Road Transport Authority by any person, where fuel certified for use in such automobile is Motor Spirit, High Speed Diesel, Liquified Petroleum Gas or Compressed Natural Gas;
- (b) “**Collecior**” means the Collector of the district and includes the Additional Collector, the District Supply Officer, the Sub-Divisional Officer, the Assistant District Supply Officer, Foodgrains Distribution Officer in the areas mentioned in Schedule-1 appended to the Maharashtra Scheduled Foodgrains (Regulation of Distribiltion) Order, 1966, and such other Officer or Officers as may be authorized by the Collector in this behalf;

## **The Maharashtra Naphtha (Licensing) Order, 2009**

- (c) **“Commissioner”** means a Commissioner for a Division appointed under the Maharashtra Land Revenue Code, 1966 and includes an Additional Commissioner and Deputy Commissioner (Supply) ; -
  - (d) **“Consumer”** means a person who is engaged in actual use of Naphtha and has procured a licence under this Order for the acquisition, consumption and storage for consumption of Naphtha; -
  - (e) **“Controller of Rationing and Director of Civil Supplies”** means a Controller of Rationing appointed by the Government and includes a Deputy or Assistant Controller of Rationing;
  - (f) **“Form”** means the Form appended to this Order;
  - (g) **“Government”** means the State Government of Maharashtra;
  - (h) **“Licence”** means a licence issued under this Order;
  - (i) **“Licensee”** means a person holding a licence issued under this Order;
  - (j) **“Licensing Authority”** means Order in respect of the Murnbai-Thane Rationing Area; the Controller of Rationing and Director of Civil Supplies, Mumbai and elsewhere the Additional Collectors, in their respective areas;
  - (k) **“Schedule”** means the Schedule appended to this Order;
  - (l) **“Storage premises”** means the premises approved or licenced by the Chief Controller of Explosives appointed under Indian Explosives Act, 1884;
  - (m) **“Tankage Service Provider”** means a person who provides tankage facility for storage of Naphtha without actually acquiring, consuming or selling it and has procured a licence in Form II-A under this Order for the storage of Naphtha;
- (2) Words and expressions used in this order but not defined herein shall have the meanings respectively assigned to them in the Naphtha (Acquisition, Sale, Storage and Prevention of Use in Automobiles) Order, 2000 or in the Essential Commodities Act, 1955.
- 3. Prohibition against acquisition, storage, sale, storage for sale or consumption without licence.**
- (a) No person shall either acquire, store, sell, or consume Naphtha, except under and in accordance with the terms and conditions of a licence issued in this behalf by the Licensing Authority;

- (b) No person shall import in the State of Maharashtra, Naphtha, unless he has obtained a licence in Form I-A for its acquisition, storage, sale, storage for sale or consumption under this order;
- (c) No person, shall either acquire Naphtha except from an oil company or a licensee or sell Naphtha to any person except a licensee;
- (d) No person shall either use or help in any manner, the use of Naphtha in any automobile;
- (e) No person shall either use or help in any manner adulterating of Motor Spirit or High Speed Diesel with Naphtha;
- (f) No person, a licensee, an oil company or otherwise shall sell Naphtha, to any person other than a licensee.

**4. Application for licence.**

An application for grant of a licence for acquisition, storage, sale, storage for sale or consumption of Naphtha shall be made under this Order to the Licensing Authority in Form I or Form II, as the case may be, for this purpose alongwith the licence fee, as specified in the Schedule:

Provided that, any person, who immediately, before the commencement of this Order, holding a licence issued under the Maharashtra Naphtha (Acquisition, Sale, Storage and prevention of use in automobiles) Licensing Order, 2000 shall apply for the issue of licence under this Order within a period of Forty five days from the date of commencement of this Order.

**5. Security Deposit.**

Every person applying for a licence, shall, before such licence or registration is issued to him, deposit in cash with the Licensing Authority, the security deposit as Specified in the Schedule, for the due performance of the terms and conditions of the licence or registration to be issued to him.

**6. Issue of Licence.**

The Licensing Authority shall, on receipt of the duly completed application for a licence in the Forms I-A and II-A, as the case may be, and on the payment of the prescribed licence fee and security deposit, and after making such inquiry as he may deem fit,



## **The Maharashtra Naphtha (Licensing) Order, 2009**

issue the licence within a period of 45 days, from the date of receipt of duly completed application.

### **7. Period of licence**

Every licence issued under this Order shall be valid for a period of one year from the date of issue.

### **8. Renewal of licence.**

(a) Every licensee, who desires to get his licence renewed, shall apply for the renewal thereof in Form I-A alongwith the annual renewal fee, not less than 20 days before the date of its expiry;

### **9. Late fee for failure to renew licence in time.**

Every application for the renewal, made after the expiry of the period mentioned in the sub-clause (a) of clause 8, shall be accompanied with a late fee of Rupees 200 per day.

### **10. Replacement of defaced, lost or destroyed licence.**

If a licence issued under this Order is defaced, lost or destroyed, then an application in specified Form along with such information, as may be required by the licensing authority shall be made to that Licensing the Authority for obtaining a duplicate licence and Licensing Authority may, after charging a fee of rupees one hundred, after making such inquiry as he may think fit, issue a duplicate licence.

### **11. Power to refuse grant of licence or it's renewal.**

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

### **12. Provision for cancellation or suspension of licence**

On contravention of any of the terms or conditions of the licence or non compliance of any of the directions or instructions issued by the Government or Licensing Authority, by a licensee or his agent or servant or any other person acting on his behalf, the Licensing Authority may, by order in writing, without prejudice to any, other action that may be taken against the licensee, suspend or cancel the licence:

Provided that, no order shall be made under this clause unless the licensee has been given a reasonable opportunity for stating his case against the proposed cancellation or suspension.

### **13. Forfeiture of security deposit.**

- (a) Without prejudice to the provisions of clause 12, if the Licensing Authority is satisfied that the licensee has **contravened** any of the terms and conditions of the licence or has not complied any of the directions or instructions issued by the Government or Licensing Authority and that a forfeiture of the security deposit is called for, he may, after giving the licensee a reasonable opportunity for stating his case against the forfeiture by order, forfeit the whole or any part of the security deposit, deposited by him and communicate a copy of the Order to him:

Provided that, where a cancellation of the licence is duly ordered by the licensing authority, the order of cancellation shall also be accompanied by an order forfeiting the entire security deposit.

- (b) The Licensee shall, if the amount of security deposit at any time, falls short of the amount specified in Schedule, forthwith deposit further security to make up that amount on being required by the Licensing Authority to do so.
- (c) Where the licensee surrenders his licence to the Licensing Authority, before the expiry of or within 30 days from the date of expiry of the licence, the Licensing Authority shall refund to the licensee the whole of the amount of security deposit or, such part thereof that has not been forfeited.

**14. Penalty.**

Without prejudice to the penalty which may be imposed under the act and without prejudice to the provisions of clause 12 and clause 13, if the licensing authority is satisfied that any person, a licensee or otherwise has contravened any of the provisions of this order or has not complied any of the directions or instructions issued by the licensing authority after giving the concerned person a reasonable opportunity of showing cause impose on him a penalty which shall be upto 100% of the value of goods seized or the products or items as regards to which the violation has taken place.

**15. Maintenance of register of accounts.**

Every licensee shall maintain register of accounts laid down in terms and conditions of his licence and such other records as the Government or the Licensing Authority may order from time to time

Provided that, all such records should be maintained at the actual place of storage and consumption of the licensee and at the office also.

**16. Filing of End Use Certificate.**

- (a) Every person whosoever is engaged in acquisition, storage, sale, consumption or' storage for sale or consumption of Naphtha, shall file end-use certificates in Form as prescribed by the Licensing Authority, the consumers to whom he sells

## **The Maharashtra Naphtha (Licensing) Order, 2009**

and also furnish customer wise 'safe's to the Licensing Authority, on a quarterly basis. 'Such certificate shall be in Form as prescribed by the Licensing Authority, to be filled in by the Department before me.

- (b) Every person whosoever is engaged in acquisition, storage consumption of Naphtha, shall file end-use certificates to the Licensing Authority, on a quarterly basis.

### **17. Power to issue directions.**

- (a) The Government may, if it feels necessary, to do so, issue directions to the licensing authority, the licensee or otherwise, which in his opinion may be necessary to ensure the objective of this order
- (b) The Licensing Authority may, if it feels necessary, to do so, issue directions which are not inconsistent with the provisions of any prevailing order issued by the Central or the State Government, to the licensee or otherwise, which according to it may be necessary to ensure the objective of this order.

### **18. Power of entry, search and seizure.**

- (a) The Controller of Rationing and Director of Civil Supplies, Deputy Controller of Rationing, Assistant Controller of Rationing, Divisional Commissioner, Deputy Commissioner (Supply), District Collector, Additional Collector, District Supply Officer, Sub-Divisional Officer, Assistant District Supply Officer, Tahsildar and Foodgrains Distribution Officer, Assistant Foodgrains Distribution Officer, all Police Officers not below the rank of Deputy Superintendent, within their respective jurisdiction, with a view to secure compliance of this order or to satisfy himself that this order has not been contravened and with such assistance, if required, as he thinks fit, -
  - (i) enter, search any place or premises, being made use of or suspected to be made use of in the business of acquiring, selling, storing for sale Naphtha, vehicle or any other person who is an employee or agent of such person acquiring, selling, storing for sale Naphtha with respect to which there is reason to believe that the provisions of this order have been or are being or are about to be contravened;
  - (ii) stop and search, any person or vehicle or receptacle used or intended to be used for the movement of the Naphtha or using or receiving the Naphtha in contravention of this order;
  - (iii) inspect any book of accounts or documents or any stock of the Naphtha used or suspected to be used in acquiring, selling, storing for sale of Naphtha, or any other person suspected to be an employee or agent of the person acquiring, selling, storing for sale of Naphtha;

- (iv) take samples of the Naphtha and / or seize any of the ,stocks of the Naphtha which the authorised officer has reason to believe has been or is being or is about to be used in contravention of this order and hereafter take or authorise the taking of all measures necessary for securing the production of stocks/items so seized before the Collector having jurisdiction under the provisions of the Essential Commodities Act 1955 and for their safe custody pending such production;
  - (v) while exercising the power of seizure provided under sub -clause (iv) of this clause, the authorized officer shall record in writing the reasons for doing so, a copy of which shall be given to the person acquiring, selling, storing for Naphtha.
- (b) The provisions of section 100 of the Code of Criminal Procedure, 1973, relating to search and seizure shall, so far as may be, apply to searches and seizure under this order.

### **19. Sampling of Product.**

- (a) The officer authorized in clause 18, of this order may draw the sample from the tank, nozzle, vehicle or receptacle, as the case may be, to check whether the provisions of this order have been or are being contravened.
- (b) The officer authorized in clause 18 shall take, sign and seal three samples of 750 ml. to 1 litre each of the product, one to be given to the concerned person under acknowledgement with instructions to preserve the sample in his safe custody till the testing/investigations are completed, the second sample to be kept with the inspecting authority and the third to be used for laboratory analysis.
- (c) Samples shall be taken in clean glass or aluminium containers.
- (d) The sample label should be jointly signed by the officer who has drawn the sample and the concerned person or his representative and the label shall contain information as regards the product, place of seizure, quantity of sample, date, name and signature of the concerned person or his representative.
- (e) The authorized officer shall send the third sample of the product taken under sub-clause (2), as far as possible but not later than 10 days of the sample to any of the laboratories specified in the Schedule appended to the Motors Spirit and High Speed Diesel (Regulation of Supply and Distribution and Prevention of Mal-practices) Order, 2005 for the purpose of analysis of samples to check the product.

### **20. Power to grant exemptions.**

The Government may, if it is necessary in the public interest, to do so, by order, exempt any person or class of persons from the operation of all or any of the provisions of this order for such period and subject to such conditions (if any), as may be specified, and may, at any time, suspend or cancel such exemption.

## The Maharashtra Naphtha (Licensing) Order, 2009

### 21. Appeal.

- (a) Any person aggrieved by any order of a Licensing Authority made under clause 11,12,13 or 14 of this order may appeal in Mumbai-Thane Rationing area to the Government, and elsewhere to the Commissioner of the Division.
- (b) Every such appeal shall be made within thirty days from the date of receipt of the order passed against the person appealing Provided that, the Appellate Authority may, admit an appeal after the expiry of the said period if, the appellant satisfies the Appellate Authority that he had sufficient and reasonable cause for not preferring the appeal within the said period.
- (c) No order shall be made by the Appellate Authority under this clause unless the aggrieved person has been given a reasonable opportunity of stating his case.
- (d) Pending the disposal of the appeal, the Appellate Authority may direct that the order of the Licensing Authority shall not take effect until the appeal is disposed off.

### 22. Revision.

- (a) The Government may, on an application made or *suo-rnotu* at any time before the expiry of two years from the date of any order, passed by the Licensing Authority or any other competent authority under this order and in which no appeal has been filed or an appeal, if any, is filed and disposed of, call for the record of the proceedings underlying such order for the purpose of satisfying itself as to the legality or propriety of such order or as to the regularity of such proceedings and if it shall appear to the Government that such order or proceedings should be modified, annulled or confirmed, it may pass such order as it deems fit

Provided that, the Government may, at any time, during the pendency of the enquiry or proceeding may call for and examine the records of any such enquiry or proceeding and pass such order thereon as it thinks fit:

Provided further that, no order shall be made under this clause unless the person who is likely to be aggrieved thereby has been given a reasonable opportunity of pleading his case :

Provided further that, before rejecting any application for the revision of any such order, the Government shall record reason for such rejection.

- (b) Pending the disposal of the revision proceedings under this clause, the Government may direct that the order passed by the Licensing Authority or other competent authority shall not take effect until an order is passed by it.

## Schedule

(See clauses 2,3,4,5,6,7 and 8)

Sr. No.	Specification	Consumer's Licence	Tankage Licence
(1)	(2)	(3)	(4)
1.	Purpose of Licence	Acquisition, Storage for sale and consumption	Storage
2.	Application Form	Form I	Form II
3.	Form of Licence	Form I-A	Form II-A
4.	Period of Licence	One Year	
5.	Licensing Authority	*In case of Mumbai-Thane Rationing area-The Controller of rationing and the Director of Civil Supplies, Mumbai,	
		*Rest of Maharashtra-The Additional Collector within their respective Jurisdiction.	
6.	Licensing Fee	(1) Rs. 500/-	
			Rs
7.	Security Deposit	(1) Upto 100 KL per month	20,000
		(2) 101 KL to 200 KL per month	40,000
		(3) 201 KL to 500 KL per month	60,000
		(4) 501 KL to 1000 KL per month	1,50,000
		(5) 1001 KL to 2000 KL per month	3,00,000
		(6) 2001 KL to 5000 KL per month	6,00,000
		(7) 5001 KL to 10,000 KL per month	10,00,000
		(8) 10,000 KL or above per month	15,00,000
8.	Renewal Period	Two Years	
9.	Renewal fee per year	Equivalent to licence fee	

**The Maharashtra Naphtha (Licensing) Order, 2009**

**FORM 1**

**(Application form for Consumers Licence)**

*(See clauses 2, 4, 5, 6)*

(Affix a recent passport size photograph here)

To

The Licensing Authority

At \_\_\_\_\_

(1) Name of the Applicant \_\_\_\_\_

(2) Type of firm. \_\_\_\_\_

(3) Details of Partners/Proprietors/Directors

Sr. No.	Name	Office		Residence	
		Address	Telephone No.	Address	Telephone No.
1.					
2.					

(4) Address of Registered office of the firm -

(5) Area of Operation

(6) Industry Registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

(7) State Sales Tax Registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

(8) Central Sales Tax Registration:

Registration No.	Date of registration	Validity Date	Issuing Authority

(9) Maharashtra Pollution Control Board's NOC :

NOC No.	Date of Issue	Validity Date	Issuing Authority

(10) Explosives license details:

License No.	Date of issue	Validity Date	Issuing authority	Licensed Capacity (KL)

(11) Storage Details:

Location (Address)	Capacity (KL)	Whether assigned for any other license, if yes details.

(12) Monthly capacity for which licence is required : \_\_\_\_\_ KL

(13) Use of Naphtha for which licence is required

(14) Process of consumption

(15) Supply source and route of transportation :

Supply Source	Route of transportation

(16) Any other relevant information the applicant wishes to declare:

I hereby declare that I have carefully read all the terms and conditions for this licence and shall abide by all the prevailing by any competent authority in this regard. I also declare that all the information furnished in and along with this application is correct, complete and truly stated. If any of the information is found to be incorrect, incomplete or false, I shall be liable for action under the provisions of law.

Date :

Place : (Name and Signature of the Applicant)



**The Maharashtra Naphtha (Licensing) Order, 2009**

**FORM II**

**(Application form for Tankage Licence)**

(See clauses 2(1), (g), (i), (o) 3,4,5,6,7,8 of the order)

(Affix a recent passport size photograph here)

To

The Licensing Authority

At \_\_\_\_\_

(1) Name of the Applicant \_\_\_\_\_

(2) Type of firm. \_\_\_\_\_

(3) Details of Partners/Proprietors/Directors

Sr. No.	Name	Office		Residence	
		Address	Telephone No.	Address	Telephone No.
1.					
2.					

(4) Address of Registered office of the firm -

(5) Shop and Establishment Registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

(6) State Sales Tax Registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

(7) Central Sales Tax Registration:

Registration No.	Date of registration	Validity Date	Issuing Authority

(8) Explosives license details:

License No.	Date of issue	Validity Date	Issuing authority	Licensed Capacity (KL)

(9) Storage Details:

Location (Address)	Capacity (KL)	Whether assigned for any other license, if yes details.

(10) Capacity for which licence is required : \_\_\_\_\_ KL.

(11) Any other relevant information the applicant wishes to declare

I hereby declare that I have carefully read all the terms and conditions for this licence and shall abide by all the prevailing as well as relevant Orders and Instructions issued from time to time by any competent authority in this regard. I also declare that all the information furnished in and along with this application is correct, complete and truly stated. If any of the information is found to be incorrect, incomplete or false, I shall be liable for action under the provisions of law.

Date :

Place : (Name and Signature of the Applicant)

**FORM I A**

**(Format for the consumers Licence)**

(See clauses 2(1) (d), (g), (i), 3,4,5,6,7,8 of the order)

(Affix a recent passport size photograph here)
------------------------------------------------

(1) Licence No.

Subject to the provisions of the Maharashtra Naphtha (Licensing) Order, 2009 and to the terms and conditions of this licence and all other instructions and orders issued by the Government or the Licensing authority from time to time in this behalf (Name of Licensee) is hereby authorized to Acquire, store and consume Naphtha.

## The Maharashtra Naphtha (Licensing) Order, 2009

(2) Address of Registered office of the firm :

(3) Area of Operation :

(4) Industry registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

(5) State Sales Tax Registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

(6) Central Sales Tax Registration:

Registration No.	Date of registration	Validity Date	Issuing Authority

(7) Maharashtra Pollution Control Board's NOC :

NOC No.	Date of Issue	Validity Date	Issuing Authority

(8) Explosives license details:

License No.	Date of issue	Validity Date	Issuing authority	Licensed Capacity (KL)

(9) Storage Details:

Location (Address)	Capacity (KL)	Whether assigned for any other license, if yes details.

(10) Use of Naphtha:

(11) Monthly capacity of licence \_\_\_\_\_ KL.

- (12) The licensee shall maintain true and proper records and accounts of all the transactions related to the Acquisition, storage and consumption of Naphtha and all other records as expected from him or as directed by the Government or the Licensing Authority *and* shall submit quarterly end. . . . . use certificates to the Licensing Authority.
- (13) The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorized by aim for inspection of his stocks and accounts of Naphtha and produce the licence for inspection of his stocks and accounts of Naphtha and produce the licence for inspection on demand.
- (14) The licensee shall comply with any directions that may be issued to him by the Government or by the licensing authority or by any officer authorized by the Licensing Authority in this behalf, in regard to the methods of Acquisition, Transport, Storage and consumption of Naphtha which the Government or licensing authority or any officer authorized by the licensing authority may deem fit.
- (15) (Any other conditions which the licensing authority feels necessary).
- (16) This licence shall be valid upto .....
- (17) Details of renewal of licence .....

Due date of renewal	Actual date of renewal	Validity date of renewal	Sign, date and seal of Licensing Authority

Date :

Place :

Licensing Authority.

**FORM II A**  
**(Format for the Tankage Licence)**

[(See clause 2(1) (m)]

(Affix a recent passport size photograph here)

(1) Licence No.

Subject to the provisions of the Maharashtra Naphtha (Licensing) Order, 2009 and to the terms and conditions of this licence and all other instructions and orders issued by

## The Maharashtra Naphtha (Licensing) Order, 2009

the Government or the Licensing authority from time to time in this behalf (Name of Licensee) is hereby authorized to Store Naphtha only.

(2) Address of Registered Office of the Firm

(3) Shop and establishment Registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

(4) State Sales Tax Registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

(5) Central Sales Tax Registration:

Registration No.	Date of registration	Validity Date	Issuing Authority

(6) Explosives license details:

License No.	Date of issue	Validity Date	Issuing authority	Licensed Capacity (KL)

(7) Storage Details:

Location (Address)	Capacity (KL)	Whether assigned for any other license, if yes details.

(8) Capacity of licence ..... KL.

(9) The licensee shall maintain true and proper records and accounts of all the transactions related to the storage of Naphtha and shall also maintain all other records as expected from him or as directed by the Government or the Licensing Authority and shall submit quarterly end-use certificates to the Licensing Authority.

- (10) The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorized by him for inspection of his stocks and accounts of Naphtha and produce the licence for inspection of his stocks and account of; Naphtha and produce the licence for inspection on demand.
- (11) The licensee shall comply with any directions that may be issued to him by the Government or by the Licensing Authority or by any officer authorized by the Licensing Authority in this behalf, in regard to Storage of Naphtha which the Government or licensing authority, or any officer authorized by the licensing authority may deem fit.
- (12) The licensee shall not store the Naphtha for any person except that of a licensee as defined under this order:
- (13) (Other conditions which the licensing authority feels necessary).
- (14) This licence shall be, valid upto .....
- (15) Details of renewal of licence.....

Due date of renewal	Actual date of renewal	Validity date of renewal	Sign, date and seal of Licensing Authority

Date :

Place :

Licensing Authority  
 By order and in the name of the Governor of Maharashtra,  
 Dr. A. T. Kumbhar,  
 Deputy Secretary to Government

