

**GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF CIVIL SUPPLIES
ITANAGAR**

NO. DCS/MON/92(A)98(Vol-I)

Dated Itanagar, the 1st April 2005

NOTIFICATIONS.

In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the order of the Government of India in the Ministry of Petroleum and Chemicals (Department of Petroleum and Natural Gas No. GSR –972(E) dated 8th November 1989, the Governor of Arunachal Pradesh is pleased to make the following Order namely:

1. Short title, extent, application and commencement :
 - (i) This Order may be called the ‘Arunachal Pradesh Cooking Gas (Licensing and Distribution) control Order, 2005.
 - (ii) It extends to the whole of the State of Arunachal Pradesh.
 - (iii) It shall come into force with effect from the date of publication of this order in the Gazette.

2. Definition : In this order, unless the context otherwise requires :
 - (a) ‘Cooking Gas’ means liquefied petroleum gas bottled in cylinder.
 - (b) ‘Director’ means the Director of Civil Supplies, Govt. of Arunachal Pradesh and includes any other officer of the said department not below the rank of Superintendent of Supplies authorized by the State Government in this behalf to perform any of the functions of the Director under this order.
 - (c) ‘Deputy Commissioner’ means the Deputy Commissioner within their jurisdiction over the respective areas where the dealer carries on his business.
 - (d) ‘Consumer’ means a person whose name is registered with a dealer for getting the supply of cooking gas from that dealer.
 - (e) ‘Dealer’ means a person including a firm, an association of persons, a company, a corporation or a co-operative society engaged in the said business of purchase, sale or storage for sale of cooking gas on the basis of an agreement with an oil company whether or not in conjunction with any other business and includes his representatives, employees, or commission agent but does not include an Oil Company.
 - (f) ‘Form’ means a form in the schedule to this order.
 - (g) ‘License’ means a person including a firm an association, of persons, a company, a corporation or a co-operative society holding a valid license granted under this order.

(h) 'Licensing Authority' means the Director of Civil Supplies, Government of Arunachal Pradesh, Naharlagun.

(i) 'Business premises' means a place where the dealer normally stores and sell or distributions LPG to consumers.

(j) 'State Government' means the Government of the State of Arunachal Pradesh.

(k) 'Oil Company' means any of the following oil industries manufacturing and marketing petroleum products.

i. Indian Oil Corporation Ltd.

ii. Hindustan Petroleum Corporation Ltd.

iii. Bharat Petroleum Ltd.

iv. Indo-Burma Petroleum Company Ltd.

(l) 'Year' means a year reckoned according to the English Calendar.

3. (i) Licensing of a dealer: No person shall sell or distribution LPG in cylinder or otherwise unless he is appointed such an agent or distribution by an Oil Company and license granted by the Licensing Authority.

(ii) A person who desires to obtain a license under this order shall make an application to the Licensing Authority through the Concerned Deputy Commissioner, in Form 'A' and the Licensing Authority if he is satisfied, may grant the license in Form 'b'.

(iii) Every license granted under sub-clause (i) shall be subjected to such condition as may be specified therein and to such other conditions as the Licensing Authority may impose from time to time for the purpose of fair distribution of cooking gas.

4. Fee for issue of License: The fee payable for a license under this order shall be Rs. 10000 (Rupees Ten Thousand) only.

For issue of a duplicate license, if the Licensing Authority is satisfied that license issued under this order is defaced, lost or destroyed or otherwise rendered useless, he may, on application made in that behalf by the licensee and on payment of a fee of Rs. 1000/- only issue duplicate license.

5. Period of license and its validity:

(i) Every license granted under this order shall be valid upto 31st of March next following the date of issue and may be renewed for a period of one year upto 31st of March, on an application made on this behalf of the Licensing Authority before the expiry period of validity of the License and on payment of a renewal fee of Rs. 1200/- (Rupees One thousand two hundred) only.

However, fine or late renewal of license is leviable at the rate of Rs. 100/- (Rupees one hundred) only per Calendar month or fraction thereof, if the license is not renewed with in due date.

- (ii) The fee shall have to be deposited in the form of Treasury Challan under the head of Account “ 1456, Civil Supplies”

6. Security deposit:

Every person applying for a license under this order shall, before the license is issued to him, deposit with the Licensing Authority a sum of Rs. 5000/- as security deposit through NSC drawn in favour of Director of Civil Supplies.

7. Power to refuse a license: The Licensing Authority may after giving the applicant an opportunity of stating his case in writing and for a reasons to be recorded in writing, refuse to grant or renew a license.

8. Provision for cancellation or suspension of License: -

- a) If a license either by himself or through his agent or his employee acting on his behalf contravenes any of the provisions of this order or any of the terms and conditions of the license, then without prejudice to any other action that may be taken against him, the Licensing Authority may, after giving him an opportunity for making his representation by order, suspend or cancel the license.
- b) On cancellation or suspension of a license as per clause (8) (a) or on a license ceasing to be valid, the license shall surrender the same to the Licensing Authority within 7 day from the date of such suspension or cancellation or cessation of validity as the case may be and shall, disposes off the stock of cooking gas available with him in accordance with the direction of the Licensing Authority.
- c) On cancellation or suspension of a license, the license shall not be entitled to get any supply of cooking gas from any oil company and the Licensing Authority in consultation with the oil companies shall link the consumers registered with that license to other license as may be considered convenient.

9. Forfeiture of security deposit without prejudice to the provision of clause (8) (a)

- (i) If the Deputy Commissioner is satisfied that the license has contravened any of the terms and conditions of the license and any provision of this control order and that a forfeiture of the security deposit is called for, he may after giving the license reasonable

opportunity in stating his case against the forfeiture, by the order forfeit the whole or any part of the security deposited by the license and communicate a copy of the order to the license.

- (ii). The licensee shall, if the amount of security at any times falls short of the amount specified in clause 6 (i) forth-with deposit further security to make up that amount on being required by the licensing authority to do so.

10. Regulation for sale etc of cooking gas:

- (i) No dealer shall sell LPG at a price higher than that fixed by the oil company.
- (ii) The dealer shall maintain a daily stock account as per the proforma here under and display the daily stock position with its price at a conspicuous place of his business premises.
 - (a) The opening stock of the day, filled, empty and defective cylinders.
 - (b) Quantity received during the day, filled empty and defective cylinders.
 - (c) Total quantity available on the day (that is opening stock and the quantity received).
 - (d) The quantity sold, delivered or otherwise disposed off during the day, filled, empty and defective cylinders.
 - (e) The closing stock of the day, filled, empty and defective cylinders.
 - (f) Such other particulars as the state Government may, by order in writing, specify from time to time.
- (iii) Every dealer shall maintain a register in which placing of demand for refill of Cooking Gas shall be recorded daily chronologically.
- (iv) Every dealer shall indicate at the business premises the working hours and shall not close premises during those working hours without the prior permission of the Licensing Authority.
- (v) Every dealer shall have a godown for storage of LPG filled cylinders and shall obtain Explosive license for storage of LPG in accordance with the laws and rules in force.
- (vi) The dealer shall take all reasonable steps to ensure that adequate stock of LPG is kept at his business premises at all times and shall not act in any manner prejudicial to the maintenance of supply and distribution of cooling gas to the registered consumers.

- (vii) The dealer shall keep with him the duplicate copy of the consumers Registration card, the original of which shall remain with the consumer. The consumers Registration Card shall be in the form prescribed by the Oil Company.
- (viii) The dealer shall comply with the directions that may be given by the licensing Authority/Deputy Commissioners or any other officer of the department not below the rank of Superintendent of Supplies in regard to purchase, transport sale of LPG, hours of sale or any other matter relating to LPG which they may deem proper to regulate the sale.
- (ix) The dealer shall submit the monthly returns of Cooking Gas as per the prescribed proforma in Form 'C' to the Licensing Authority.
- (x) The licensee shall reserve 10% of the refills received in every consignment from the oil companies subject to a minimum of 50 (fifty) for distribution on the basis of premises to be issued by the Licensing Authority/Deputy Commissioners concerned district or any other officer not below the rank of DSO to such consumers as may be indicated in the permit.
- (xi) The licensee shall supply refill at the residences or at selected points of the consumers under home-delivery system. If the licensee cannot make home-delivery or if the consumer does not opt for home-delivery, the licensee may give delivery of refill from his godown under 'ex-godown delivery system' provided that when a consumer take ex-godown delivery, he should be given a rebate of such amount (being the component of transport charges included in the price of a refill) as may be declared by the oil companies from time to time which should be notified by the Licensing Authority.

11. Power of entry, search, seizure etc :

- (i) The Director, Deputy Commissioner, or any officer of the Civil Supplies Department of the state not below the rank of sub-Inspector of Supplies or any officer authorized in this behalf by the State Government may with a view to security compliance with the provision of this order inspect any place, book of accounts or other documents and where he has reason to believe that any of the provision of this order is contravened or about to be contravened break open or seal any place, premises, vehicle or vessel or any other conveyance used for carrying LPG cylinders and may authorized the taking of all measures for their custody.
- (ii) The provision of section 100 of the code of Criminal procedure, 1972 (2of 1974) shall apply to search and seizure under this clause.

12. Power to grant exemption in special case: If the state Government considers it necessary in public interest so to do by other exempt any person or class of persons from the operation of all or any 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.
13. Appeal: An appeal against any order of the Licensing Authority shall lie with the Commissioner or Secretary of the department of the state Government within 30 days of the date of the order appealed against.
14. Penalty: Any person contravening any of the provisions of this order shall be liable to punishment under section 7 of the Essential Commodities Act, 1955.

Sd/- J. P. Rai
Secretary (CS)
Govt. of Arunachal Pradesh,
Itanagar.

Memo No. DCS/MON/92(A)98(Vol.I)

Dated Itanagar, the 1st April 2005.

Copy to : -

1. The Under Secretary to Government of India, Ministry of Consumer Affairs, and Food and Public Distribution, Krishi Bhawan, New Delhi with reference to his letter No. 1-1/2001-BP-III dated 7/1/2001.
2. The Secretary to the Governor of Arunachal Pradesh, Itanagar for information of the Governor.
3. The private Secretary to the Chief Secretary, Arunachal Pradesh, Itanagar for information of the Chief Secretary.
4. The Director of Information and Public Relation & Printing, Naharlagun with a request to get the notification published in the next Arunachal Pradesh gazetted (2 copies).
5. The Inspector general of Police, Arunachal Pradesh, Itanagar.
6. The Director of Civil Supplies, Arunachal Pradesh Naharlagun.
7. All Deputy Commissioner, Arunachal Pradesh.
8. The Director of Supply & Transport, Arunachal Pradesh, Naharlagun.
9. The Register of Cooperative Society, Arunachal Pradesh, Naharlagun.
10. The Controller Legal Metrology, Arunachal Pradesh, Naharlagun.

(K.P.Balachandran)
Under Secretary (CS)
Govt. of Arunachal Pradesh,
Itanagar.

FORM –B

(SEE CLAUSE – 3 (II))

1. Subject to the provisions of the Arunachal Pradesh Cooking (Licensing and Distribution) control order, 2005 and to the under mentioned terms and conditions Shri /Smti/ Ms Son/ daughter/ wife of Proprietor/ Manager/ Director/ Secretary Lessee of M/s of village/ Town Police Station is, are hereby authorized to store and sell liquefied petroleum gas.
2. (a) The licensee shall carry on the aforesaid business at following place.
(b) LPG Cylinders shall not be stored at any place other than any of the godowns or places mentioned below: -
 - (i)
 - (ii)
 - (iii)
3. The license shall not
 - (a) Enter into any transaction involving purchase, sale or storage for sale of cooking gas in a speculative, manner prejudicial to the maintenance and easy availability of Supplies thereof in the market.
 - (b) With-hold from sale/supplies of cooking gas ordinarily kept for sale except under direction from the Director of Civil Supplies or the Deputy Commissioner/Additional Deputy Commissioner.
4. (a) The licensee shall maintain a register of daily account of LPG correctly and close the accounts daily.
(b) The licensee shall give all facilities at all reasonable hours to the Licensing Authority/ Deputy Commissioner, or any officer not below the rank of Sub-Inspector of Supplies for the inspection of his stock of LPG and accounts at the Shop or other place used by him for storage, sale or purchase of cooking gas.
5. The licensee shall comply with any direction that may be given to him from time to time by the Licensing Authority/ Deputy Commissioner, or any officer of the Civil Supplies Department not below the rank of Superintendent of Supplies in connection with purchase, sale or storage for sale of LPG.
6. The licensee shall not charge a price higher than the price fixed by the Oil Company.

7. The licensee shall take all reasonable steps to ensure that adequate stock of LPG is available at his business at all times.
8. The licensee shall issue a consumer's Registration Card as per prescribed form given by the oil company and retain the duplicate card with him. He should issue a true cash memo to every customer giving its name, license number and address, the date of transaction the quantity sold, the price, the registration number of the consumer, the number and date of permit, if any, under which sold and the salesman's signature. The licensee shall keep the duplicate carbon copy of such cash memo, arranged serially and chronologically to be made available for inspection on demand by the Licensing Authority/ Deputy Commissioner, or any officer authorized by it in writing in this behalf.
9. If the licensee desired to change his place of business to or store cooking gas in any place or premises other than those mentioned in the license, he shall intimate the address of such place or premises to the Licensing Authority and shall not carry on business or store any cooking gas in such place or premises until and unless it has been endorsed in the license.
10. The licensee shall reserve 10% of the refills received in every consignment from the oil companies to a maximum of 50 (fifty) for distribution on the basis of permits to be issued by the Licensing Authority/ Deputy Commissioner, or any officer not below the rank of Superintendent of Supplies to such consumers as may be indicated in the permit.
11. The license shall supply refill at the residence or at selected points of the consumers under home-delivery system. If the license cannot make delivery or if the consumer does not opt for home delivery the license may give delivery of refill from his godown under ex-godown delivery system, provided that when a consumer takes ex-godown delivery should be given a rebate of such amount (being the component of transport charges included in the price of refill) as may be declared by the Oil Companies from time to time which should be notified by the Licensing Authority.
12. The license shall be attached to the application at the time of renewal.
13. This license shall be valid upto

Date

Licensing Authority.

FORM –C

(See Clause 10 (VII))

(For of Statement showing stock of Cooking Gas held by Licensee at the end of each month)

1. Opening balance on the first day of the month :-
2. Supplies received during the month :-
3. Total quantity available during the month i.e. total of Sl. (i) and (ii) :-
4. Total quantity sold during the month :-
5. Cylinders returned to the Oil Company :-
6. Closing balance at the end of the month :-
7. Authority for total new connection received from oil company during the month :-
8. Total number of new connection issued during the month
(a) Single connection :-
(b) (b) D. B. C. :-
9. Number of consumers registered with the dealer
(a) For single cylinder :-
(b) For Two cylinder :-
(c) Number of new customers registered with the dealer during the month. :-
(d) Number of customers registered with the dealer during the month on transfer. :-

Place :-

Date :-

Signature of the Licensee