

**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 power 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. S. O. 681 (E) dated 30th November, 1974, the Governor of Arunachal Pradesh is pleased to make the following Order namely:-

1. Short title, extent, application and commencement:

1. This order may be called the Arunachal Pradesh Motor Spirit/High Spirit Diesel (Licensing and Control) Order, 2005;
2. It extends to the whole of the State of Arunachal Pradesh;
3. It shall come into force with effect from the date of Publication of the order in the Gazette;

2. Definition: In this order, unless the context otherwise requires: -

- (a) 'Motor Spirit' means any hydrocarbon oil (Excluding crude mineral oil) which has its flash point below 25 degree Celsius and which, either by it self or in admixture with any other substance, is suitable for use as fuel in spark ignition engines;
- (b) 'High Speed Diesel' means any hydrocarbon oil (Excluding mineral coiza oil and turpentine substitute) which has its flash point at or above 25 degree Celsius and is suitable for use as fuel in compression ignition engines;
- (c) '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 all or any of the functions of the Director under this order;
- (d) 'Deputy Commissioner' means the Deputy Commissioners within their respective jurisdictions;
- (e) 'Consumer' means a person who purchase product directly from an oil company and stores and utilizes the products for his own consumptions and shall include his representatives, employees or Agent;
- (f) '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 MS/HSD on the basis of an agreement with an oil company whether or not in conjunction with any other business and includes his representatives, employees, Agent or commission agent but does not includes in Oil Company;
- (g) 'Form' means a form in the schedule to this order.

- (h) '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.
 - (i) 'Licensing Authority' means the Director of Civil Supplies, Government of Arunachal Pradesh, Naharlagun.
 - (j) 'Business premises' means a place where the dealer normally stores and Sales MS/HSD.
 - (k) 'State Government' means the Government of the State of Arunachal Pradesh in the Civil Supplies Department.
 - (l) 'Oil Company' means any of the following oil industries manufacturing and marketing petroleum and Petroleum products.
 - i. Indian Oil Corporation Ltd.
 - ii. Hindustan Petroleum Corporation Ltd.
 - iii. Bharat Petroleum Ltd.
 - iv. Indo-Burma Petroleum Company Ltd.
 - (a) 'Year' means a year reckoned according to the English Calendar.
3. (i) Licensing of a dealer: No person shall sell or distribute MS/HSD or other wise unless he is appointed such an agent or distributor 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 MS/HSD.
4. Fee for issue of License: The fee payable for a license under this order shall be Rs. 10,000/- (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. 5000/- 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. 1000/- only.

However, fine or late renewal of license is livable at the rate of Rs. 200/- 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:
- (i) 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. 15000/- through NSC as security for due performance of the terms and conditions subject to which the license is granted to him.
 - (ii) 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.
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 seven 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 MS/HSD 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 MS/HSD 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) If the Licensing Authority 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 a reasonable opportunity in stating his case of 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 licensee.

10. Appeal: An appeal against any order of the Licensing Authority shall lie to the state Government within 30 days of the date of the order appealed against.
11. 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.
12. Power of entry, Search, Seizure and drawing of Samples:
The Director or any officer of the department, the DC/ADC or any officer of the supply department, not below the rank of Supdt. of Supply in this behalf authorized by the Government, may with a view to securing compliance with this order or to satisfy himself that this order has been complied with:
- (a) Enter and search: Enter and search any premises used or believed to be used for the sale, distribution or storage for sale and inspect such premises.
- (b) Drawing of sample:
- (i) In all cases, the sampling officer shall personally draw the sample and this sample shall be drawn in the presence of at least one witness where the sample is drawn from an original un-opened receptacle containing MS/HSD otherwise than in bulk. The opening shall be sufficient to admit of the sample being rapidly transferred from the receptacle.
- (ii) Three bottles or any other container as specified by the Oil Company each of capacity of 750 ml shall be filled to nine-tenth of their capacity with the sample and corked. The corks shall be driven home and cut off level with the neck, and melted sealing wax shall be worked into the corks and the bottles shall be efficiently sealed.
- (iii) Forwarding and retention of samples: -
One of the bottles referred to in sub rule (ii) shall be handed over to the licensee and one bottle shall be preserved or reference in case of need and the other shall be forwarded to the testing officer.
13. Regulation for storage and sale: - The licensee shall maintain a reserve stock not exceeding 4000 (4000) litre each of MS/HSD at all time for distribution on the basis of permits to be issued by the Licensing Authority/Deputy Commissioners or any other officer of the department not below the rank of Superintendent of Supplies to meet emergent requirements during any natural calamity, Law and Order problem, general election and other emergent circumstances to such consumers as may be indicated in the permit.

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

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 –A

[See Clause – (ii)]

PART –I

APPLICATION FOR LICENSE

1. Applicant's name :-
2. Applicant's father's/husband's name :-
(in case of an individual)
3. Applicant's profession :-
4. Applicant's present address :-
5. Applicant's permanent address :-
6. Information of applicant's place of business and godown with particulars :-
7. Particulars of Fire-service explosive license :-
8. Particulars of Trading License :-
9. Name of Oil Company from which the applicant will get his supply :-
10. Particulars of Agreement made with the Oil Company for supply of MS/HSD :-

I have carefully read the provisions of the Arunachal Pradesh Motor Spirit/High Spirit Diesel (Licensing and Control) Order, 2005 and the conditions of the license, and I agree to abide them. The information given above are true to the best of my knowledge and belief.

Date: -

Signature of the applicant

PART –II

Recommendations of the Deputy Commissioner

Signature with Official Seal

FORM – B
[See Clause 3 – (ii)]

LICENSE FOR PURCHASE, SALE AND STORAGE OF MS/HSD.

License No.

1. Subject to the provisions of the Arunachal Pradesh Motor Spirit/High Spirit Diesel (Licensing and Control) Order, 2005 and to the under mentioned terms and conditions
Shri/Smti/MissSon/Daughter/Wife of
..... Proprietor/ Manager/ Director/Secretary/ Lasee of
M/s of Village/ Town
..... Police Station is/are hereby authorized to store and sell MS/HSD.

2. (a) The license shall carry on the aforesaid business at the following places: -

.....

(b) MS/HSD shall not be stored at any place other than any of the godowns or places mentioned below: -

- (ii)
- (iii).....
- (iv).....

3. The license shall not

(a) Enter into any transaction involving purchase, sale or storage for sale for MS/HSD in a speculative manner prejudicial to the maintenance and easy availability of supplies thereof in the market.

(b) With hold from sale/supplies of MS/HSD ordinary kept for sale except under director from the Director of Civil Supplies or the Deputy Commissioner.

4. (a) The license shall maintain a register of daily of MS/HSD correctly and close the accounts daily.

(b) The license shall give all facilities at all reasonable hours to the Licensing Authority/Deputy Commissioner or any officer not below the rank of Inspector of Supplies for the inspection of his stock of MS/HSD and accounts at the shop or other place used by him for storage, sale or purchase of MS/HSD.

5. The license shall comply with any direction that may be given to hi from time to time by the Licensing Authority/Deputy Commissioner's 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 MS/HSD.
6. The licensee shall not charge a price higher than the price fixed by the Oil Company.
7. The license shall take all reasonable steps to ensure that adequate stock of MS/HSD is available at his business premise at all times.
8. The licensee shall exhibit at a prominent place of his business premises the price and stock of MS/HSD held for sale.
9. The licensee shall maintain a reserve stock of 4000 litres of MS and 4000 litres of HSD at all times for distribution on the basis of permits to be issued by the Licensing Authority/Deputy Commissioner's or any other officer not below the rank of Superintendent of Supplies to such consumers as may be indicated in the permit.
10. This license shall be attached to the application at the time of renewal.
11. This license shall be valid upto

Place : -

Date ; -

(Licensing Authority)