

**THE MEGHALAYA KEROSENE [ LICENSING AND DISTRIBUTION ] CONTROL ORDER, 1988.**

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NO. SUP. 172 / 86 / 14, dated 30<sup>th</sup> July, 1988. :: In exercise of the Powers conferred by **Section – 3** of the **Essential Commodities Act, 1955 [ 10 of 1955 ]** read with Govt. of India, in the Ministry of Food and Civil Supplies [ **Department of Civil Supplier and Co - Operation** ] Notification NO. S.O. 681 [ E ] dated the **30<sup>th</sup> November, 1987**, the Govt. of Meghalaya hereby makes the following Order, namely :-

**01. Short title, extend and commencement :-**

- (i) This Order may be called the Meghalaya Kerosene [ Licensing and Distribution ] Control Order, 1988.
- (ii) It extends to the whole of the State of Meghalaya.
- (iii) It shall come into force on the Date of its Publication in the Gazette of Meghalaya.

**02. Definition :-** In this Order, unless there is anything repugnant in the Subject of Context :-

- (a) "**Dealer**" means a Person engaged in the Business of purchase sale or storage for sale of Kerosene, whether Wholesale or Retail and whether in conjunction with any other Business or not and includes a Hawker and an Agent of an Oil Company, who has entered into a agreement with the Company to obtain and distribute Kerosene to Wholesale or Retail Dealers as the case may be.
- (b) "**Form**" means a Form appended to this Order.
- (c) "**Hawker**" means a Person who carries Kerosene only from place to place for sale in small quantities not exceeding *200 Litres* at a time and who shall not sell exceeding 5 Litres per Person at any one time.
- (d) "**Kerosene**" shall have the meaning assigned to it in *Item No. 7* of the First Schedule to the Central Excise and Salt Act, 1944, ( *1 of 1944* ) and shall not include Aviation Tribune Fuel.
- (e) "**Licensing Authority**" means the Director of Supply or the Deputy Commissioner of a District and includes the Additional Deputy Commissioner and the Sub - Divisional Officer, ( *Civil* ) or any other Officer authorised by the State Govt. in this behalf.
- (f) "**Retail Dealer**" means a Dealer who is not a Wholesale Dealer.
- (g) "**State Government**" means the Govt. of the State of Meghalaya.
- (h) "**Wholesale Dealer**" means a Dealer who sells Kerosene to other Dealers or sells Kerosene to any other Person at Wholesale rates in quantities of 20 Litres or more at any one time fixed by Govt.

03. **Prohibition against carrying on business as a Dealer without License :-**

No Person shall carrying on business as a dealer except under and in accordance with the terms and conditions of a Licence issued in this behalf by the Licensing Authority.

04. **Application for Licence :-**

Application for Licence under this Order shall be made to the Licensing Authority in **Form - I**, accompanied by a Fee of Rs. **10/-** [ *Rupees Ten* ] to be paid in Court Fee.

05. **Forms of Licenses :-**

Licenses issued under this Order to the Wholesale and Retail Dealers, other than Hawkers, shall be in **Form - II and Form - II [ A ]**, respectively and the Licenses issued to the Hawkers shall be in **Form - III**.

06. **Security Deposit :-**

Every Person applying for a Licence shall, before the Licence is issued to him, deposit with the Licensing Authority the following sums as Security for the due performance of the terms and conditions of the Licence, namely :-

(a)	In the case of Wholesale Dealer.	--	Rs. <b>500.00</b>
(b)	In the case of Retail Dealer.	--	Rs. <b>50.00</b>
(a)	In the case of a Hawker.	--	Rs. <b>25.00</b>

07. **Period of Licence and its Renewal :-**

- (1) Every Licence granted under this Order shall be valid for a period ending **31<sup>st</sup> day of December** in the year in which it is issued and may be renewed for a period of one year at a time.
- (2) (a) When a Licensee applies for the Renewal of Licence before **31<sup>st</sup> day of December** of the year following, it shall be accepted by the Licensing Authority.
- (b) No application for Renewal shall thereafter be entertained by the Licensing Authority, unless the said Authority is satisfied that the application for Renewal could not be made in time for valid and sufficient reasons.

(3) Where it is found that Licensee is carrying on the business of selling Kerosene without obtaining a Renewal of his Licence, within the prescribed time limit subject to **Clause – 11**, his Security Deposit, without prejudice to any action for prosecution under the provision of the **Essential Commodities Act, 1955**, be forfeited to Govt. at the rate specified below, namely :-

- (a) In case of Hawkers, **50 Paise** per Day.
- (b) In case of Retail Dealer, Re. **1.00** per day *and*
- (c) In case of Wholesale Dealer, Rs. **5.00** per day.

Provided that, after Thirty days from the expiry of the prescribed time limit, the remaining amount of the Security Deposit may be forfeited to Govt.

**08. Fee for Issue of Licence :-**

The **Fee** payable for issue of a **Licence** or a **Duplicate copy** thereof shall be of Rs. **10/-** [Rupees **Ten**] and for **Renewal** Rs. **5/-** [ **Rupees Five** ] only.

- (2) The Fee shall have to be deposited in the form of **Treasury Challan** under the relevant **Head of Account**.

**09. Power to refuse Licence :-**

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 Licence.

**10. Provision for cancellation or suspension of Licence :-**

No holder of a Licence or his Agent or Servant or any Person acting on his behalf shall contravene any of the terms or conditions of the Licensee and the provision of this order and if such Holder, Agent, Servant or other Person contravenes any of the said terms or condition or provision then, without prejudice to any other action that may be taken against him his Licensee has been given a reasonable opportunity of stating his case against the proposed cancellation or suspension.

11. **Forfeiture of Security Deposit :-**

- (1) Without prejudice to the **Provision of Clause – 10**, if the Licensing Authority is satisfied that the Licensee has contravened any of the terms or conditions of the Licence or any Provision of this Control Order and that a forfeiture of the Security 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** 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 Licence shall, if the amount of Security at any time fall 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 obligations under the Licence, the amount of Security or such part thereof, which is not forfeited, as aforesaid, shall be returned to the Licensee after the termination of the Licence.

12. **Power of entry, search and seizure :-**

- (1) The Licensing Authority or any Officer of the Food and Civil Supplies Department not below the rank of Sub – Inspector or any other Officer or person or Class of persons Authorised by Licensing Authority in this behalf may, with a view to securing compliance with this Order to 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 in carrying Kerosene in contravention of the provisions of this order, and thereafter take or authorise the taking of all measures necessary for securing the production of the said stocks and the Animals, Vehicle, Vessel 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 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 required by such Officer Authorised under **Sub – Clause ( 1 )** shall allow access to premises, answer all questions to the best of his acknowledge and belief, produce the documents in this possession and allow extracts or copies of such documents or Weight and measures of Kerosene found in premises to be taken.

- (2) The Provision of **Section - 100** of the **Code of Criminal Procedure, 1973 [ 2 of 1974 ]**, relating to search and seize shall, so far as may be apply to searches and seizures under this Order.

13. **Power to grant Exemption :-**

The State Govt. 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, ( if any ) as may be specified and may at any time suspend or cancel such exemption.

14. **Requisition for Sale of Kerosene :-**

- (a) No Dealer shall sell Kerosene at a Price higher than the Price fixed by the Licensing Authority.
- (b) A Dealer shall prominently display a stock - cum - price list at his business premises or near the entrance to the place of sales depot showing the opening balance of Kerosene of the day and the selling Price per Litre.
- (c) A Dealer shall display the working hours at a conspicuous place of the business premises. No Dealer shall keep his sales Depot Sub - Depot closed during the working Hours on any day without prior permission of the Licensing Authority.
- (d) A Dealer shall obtain an Explosive for storage of Kerosene, if necessary, from the appropriate authority.
- (e) A Dealer shall take all steps to ensure that the has adequate stock of kerosene at his Depot / Sub - Depot at all times.
- (f) A Dealer shall maintain a true and correct accounts of purchase and sale of Kerosene.
- (g) A dealer shall comply with the directions that may be given by the Licensing Authority in regard to purchase, sale or storage of Kerosene.
- (h) No Dealer shall act in a manner prejudicial to the maintenance of supplies of Kerosene in the State.

15. **Appeal :-**

An **Appeal** against any order of the Licensing Authority shall lie to the State Govt. within **30** (thirty) days of the Order.

16. **Penalty :-**

Any Person contravening any of the Provisions of this Order shall be liable to be punished under **Section - 7** of the **Essential Commodities Act, 1955**.

Sd/-  
Secretary to the Govt. of Meghalaya,  
Food and Civil Supplies Department.

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**FORM ' I '**  
**[ See Clause - 4 ]**

**Form of Application for Licence for Purchase, Sale and Storage for Sale of Kerosene.**

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01. Applicant's Name and Residential Address. ::
02. Age of the Applicant. ::
03. Whether Wholesale Dealer, Retail Dealer of Hawker. ::
04. Whether Applicant is an Agent or Sub - Agent or any Oil Company and if so, which ? ::
05. How long has the Applicant been Trading in Kerosene ? ::
06. Quantities of Kerosene likely to be handled by the Applicant monthly during the current year. ::
07. Average quantity of Kerosene likely to be handled by the Applicant monthly, during the current year. ::
08. 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 Orders, if so, give details. ::
09. Whether the Applicant has Trading Licence from concerned Municipality or District Council as the case may be. ::

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 - II / III** in the Schedule to the **Meghalaya Kerosene [ Licensing and Distribution ] Control Order, 1988.**

I declare that the information furnished above is correct.

Dated \_\_\_\_\_ ,  
The \_\_\_\_\_ .

- Strike out the Clause which is not applicable.

Signature of Applicant.

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**FORM ' H '**  
**[ See Clause - 5 ]**  
**Licence for Purchase, Sale and Storage for Sale of Kerosene for Wholesale Dealers.**

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Licence No.        ::

01.	Subject to the Provisions of the Meghalaya Kerosene [ Licensing and Distribution ] Control Order, 1988, and to the terms and conditions of this Licence _____ is / are hereby authorised to purchase sell and store for sale Kerosene	::	
02.	The Licensee shall carry on the aforesaid business within the area of _____ .	::	
03.	The Licensee shall not sell Kerosene at Prices exceeding the maximum Prices prescribed by Licensing Authority and shall prominently display a <b>Notice</b> stating these maximum Prices.	::	
04.	The Licensee shall maintain true and proper <b>Accounts</b> of all purchases and sales Kerosene and issue <b>Cash Memo</b> to all Customers purchasing Kerosene.	::	
05.	The Licensee shall give all facilities at all reasonable times to the Licensing Authority or any Officer of the Food and Civil Supplies Department or any other Officers in any Person or Class or Persons authorised by the Licensing Authority and shall prominently display a <b>Notice</b> stating these maximum Prices.	::	
06.	The Licensee shall comply with any directions that may be issued to him by the State Govt. or by Licensing Authority or by any other Officer authorised 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 and any other matter relating to Kerosene which the State Govt. or Licensing Authority or such Officer may think fit to regulate.	::	
07.	The Licence shall be valid upto _____ 19 _____ , and shall be Renewed before <b>31<sup>st</sup> January</b> of the year following.	::	

Place \_\_\_\_\_ ,

Date \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

Licensing Authority.

\_\_\_\_\_ Area.

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**FORM ' H - A '**  
**[ See Clause - 5 ]**  
**Licence for Purchase, Sale and Storage of Kerosene by Retail Dealers**  
**other than Hawkers.**

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Licence No.        ::

01.	Subject to the Provisions of the Meghalaya Kerosene [ Licensing and Distribution ] Control Order, 1987, and to the terms and conditions of this Licence _____ is / are hereby authorised to purchase, sell and storage Kerosene to _____ .	::	
02.	The Licensee shall carry on the aforesaid business within the area of _____ .	::	
03.	The Licensee shall not sell Kerosene at Prices exceeding the maximum Prices prescribed by Licensing Authority and shall prominently display a <b>Notice</b> stating these maximum Prices.	::	
04.	The Licensee shall maintain true and proper <b>Accounts</b> of all purchases and sales of Kerosene and issue <b>Cash Memo</b> to all Customers purchasing Kerosene.	::	
05.	The Licensee shall give all facilities at all reasonable times to the Licensing Authority or any other Officers of the Food and Civil Supplies Department or any other Officers or any Person or Class of Persons authorised by the Licensing Authority for Inspection of the stocks and <b>Accounts</b> of Kerosene and produce the Licence for Inspection on demand.	::	
06.	The Licensee shall comply with any directions that may be issued to him by the State Govt. or by the Licensing Authority or by any other Officer authorised by the Licensing Authority in this behalf, in regard to the methods of collection, delivery, transport sale or storage of Kerosene and hours of sale or any other matter relating to Kerosene which the State Govt. or Licensing Authority or such Officer may think fit to regulate.	::	
07.	The Licence shall be valid upto _____ 19 _____ , and shall be Renewed before <b>31<sup>st</sup> January</b> of the year following.	::	

Place \_\_\_\_\_ ,

Date \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

Licensing Authority.

\_\_\_\_\_ Area.



**FORM ' III '**  
**[ See Clause - 5 ]**  
**Hawkers Licence for Sale of Kerosene**  
**[ Free of all Fees ]**

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Licence No.        ::

01.	Subject to the Provisions of the Meghalaya Kerosene [ Licensing and Distribution ] Control Order, 1988, and to the terms and conditions of this Licence _____ is / are hereby authorised to sell Kerosene as a Hawker.	::	
02.	The Licensee shall not sell Kerosene at Prices exceeding the maximum Prices prescribed by the Licensing Authority and shall prominently display a <b>Notice</b> at the place of Sale stating such maximum Prices or show it to any Customer on demand.	::	
03.	The Licensee shall carry on the aforesaid business at such place or in such area as may be directed from time to time by the Licensing Authority.	::	
04.	The Licensee shall give all facilities at all reasonable time to the Licensing Authority or any other Officers of the Food and Civil Supplies Department or any other Officer or any Person or Class of Persons authorised by the Licensing Authority for Inspection of the stocks and <b>Accounts</b> of Kerosene.	::	
05.	The Licensee shall comply with any directions that may be issued to him by the State Govt. or by the Licensing Authority or by any Officer authorised by the Licensing Authority in this behalf, in regard to the methods 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 Govt. or Licensing Authority or such Officer may think fit to regulate.	::	
06.	The Licensee shall carry with him the Licence and produce it for Inspection on demand by the Licensing authority or an Officer authorised by the Licensing Authority.	::	
07.	The Licence shall be valid upto _____ 19 _____, and shall be Renewed before <b>31<sup>st</sup> January</b> of the year following.	::	

Place \_\_\_\_\_,

Date \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

Licensing Authority.

\_\_\_\_\_ Area.

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