

THE MEGHALAYA VANASPATI DEALERS' LICENSING ORDER, 1974.

NO. SUP. 293 / 73 / 03, dated **16th January, 1974**. :: In exercise of the Power conferred by Section - 3, of the Essential Commodities Act, 1955, [10 of 1955] read with the Notification of the Govt. of India in the Ministry of Agriculture (Department of Food) NO. GSR. 316 (E), dated the 20/06/1972, the Govt. of Meghalaya is pleased to make the following Order, namely :-

01. Short title, extend and commencement :-

- (1) This Order may be called the **Meghalaya Vanaspati Dealers' Licensing Order, 1974**.
- (2) It extends to the whole of the State of Meghalaya.
- (3) It shall come into force at once.

02. Definition :- In this Order, unless the context otherwise requires :-

- (a) "**Dealer**" means a Person engaged in the business or purchase, sale or storage for sale of Vanaspati in quantities exceeding 40 Kilograms at any one time, but does not include an Industrial undertaking which is engaged in the manufacture of production of Vanaspati and which is registered or licenses under the Industries [Development and Regulation] Act, 1951.

Explanation -- For the purpose of this Clause, any Person who stores Vanaspati in any quantity exceeding 40 Kilograms at any time shall, unless the contrary is proved, be deemed to store the Vanaspati for purpose of sale ;

- (b) "**Form**" means a **Form** set forth in the Schedule to this Order ;
- (c) "**Licensing Authority**" means the **Director of Supply**, the **Deputy Commissioner and the Sub - Divisional Officer** in their respective jurisdiction or an Officer appointed by the State Government to exercise the Powers and perform the duties of the **Licensing Authority** under this Order ;
- (d) "**State Govt.**" means the *Govt. of the State of Meghalaya*.
- (e) "**Vanaspati**" means the article commonly known as **Vegetable Oil Products**.

03. Licensing of Wholesale Dealers :-

- (1) No Person shall carry on business as a Dealer of Vanaspati within the State of Meghalaya except under and in accordance with the terms and conditions of a Licence issued in this behalf by the Licensing Authority.
- (2) A separate Licence shall be necessary for each place of business.

04. Issue of Licence :-

- (1) Every Application for a Licence or Renewal thereof shall be made to the Licensing Authority in **Form - " A "**.

05. Period of License and Fees chargeable :-

- (1) Every Licence issued granted under this Order shall be valid from the date of issue to the **31st December, next following and may thereafter be renewed for a further period of one year** at a time.
- (2) The Fees specified below shall be chargeable in respect of each Licence, namely :-

(a)	For Issue of Licence.	--	Rs. 5/-
(b)	For Renewal of Licence.	--	Rs. 2/-
(c)	For Issue a Duplicate Licence.	--	Rs. 10/-

06. Power to refuse Licence :-

The Licensing Authority may, for reasons to recorded in writing, refuse to grant or renew a Licence.

07. Contravention of condition of Licence :-

Any contravention of any of the terms and conditions of the Licence under this order shall make the Licence liable to cancellation or suspension by Orders in writing of the Licensing Authority without prejudice to any other action that may be taken against the Licensee.

Provided that no Order shall be made under this Clause unless the Licensee has been given an opportunity of stating his case in writing against the proposed cancellation or suspension.

08. Appeal :-

- (1) Any Person aggrieved by any Order of the Licensing refusing to grant or renew a Licence or cancelling or suspending a Licence under the provision of this Order may appeal to the State Govt. within 30 (thirty) days of the date of the receipt by him of such Order.
- (2) No Order shall be passed in appeal unless the aggrieved Person has been given an opportunity of stating his case in writing.

09. **Power of entry, search, seizure etc. :-**

(1) The Licensing Authority or any other Officer Authorised by the State Govt. in this behalf may, with such assistance, if any, as he thinks fit :

(a) require the Owner, occupier or any other Person in charge of any place, premises, vehicle, or vessel in which he has reason to believe that any contravention of the provisions of this Order or of the conditions of any License issued thereunder, has been, is being, or is about to be committed, to produce any Book, Accounts or other documents showing transactions relating to such contravention.

(b) enter, inspect or break open and search any place or premises, vehicles or vessel in which he has reason to believe that any contravention of the provisions of this Order or of the conditions of the Licence issued there under, has been, is being, or is about to be committed.

(c) take or cause to be taken, extract from or copies of, any documents showing transactions relating to such contravention which are produced before him ;

(d) search, seize and remove stocks of Vanaspati and the Animals, Vehicles, vessels, or other conveyance used in carrying the said Vanaspati in contravention of the provisions of this Order, of the conditions of the Licences issued thereunder and thereafter take or authorise, the taking of all measures necessary for securing the production of stocks of Vanaspati and the Animals, Vehicles, vessels or other conveyance so seized,, in a Court and for their safe custody pending such production.

2. The Provisions of **Section - 102 and 103** of the Code of **Criminal Procedure, 1998**, relating to search and seizure shall, so far as may be, apply to searches and seizure under this Clause.

10. **Compliance with Orders and directions :-**

Every Dealer or other Person to whom any Order or direction is issued under any powers conferred by the Order, shall comply with such Order or direction.

11. **Exemption of Govt. transaction :-**

Nothing in the provisions of this Order shall apply to the purchase, sale or storage for sale of Vanaspati :-

(a) On Govt. account ;

(b) Under and in accordance with a Military credit note ; or

(c) By or on behalf of the Food Corporation of India.

**SCHEDULE
FORM ' A '**
[See Clause - 4 (1)]
Application of Licence.

01. Applicant's Name. ::
02. Applicant's Profession. ::
03. Applicant's Residence. ::
04. Situation of Applicant's place or places of business with particulars as to number of House, Mohalla, Town or Village, Police Station and District. ::
05. How long the Applicant has been trading in Vanaspati. ::
06. Did the Applicant hold a Vanaspati Licence on any previous occasion ? (If so, give particulars including its suspension or cancellation, if any). ::
07. Quantities of Vanaspati handled annually during the last two years (January - December). ::
08. Income Tax paid in the two years proceeding the year of application (to be indicated separately). ::
1. _____ . ::
2. _____ . ::
09. Quantity of Vanaspati in the possession of the Applicant on the date of Application and the Place at which the different quantities are kept. ::

I declare that the quantities of Vanaspati specified above are in my possession this day and are held at places noted against them.

I have carefully read the conditions of Licence given in **Form - " B "** appended to the **Meghalaya Vanaspati Dealers' Licensing Order, 1974** and I agree to abide by them.

- * (a) I have not previously applied for a Licence in this District under this Order.
- * (b) I applied for such Licence in this District for _____ on _____ and was / was not granted a Licence on _____ .
- * (c) I hereby apply for Renewal of Licence Number _____ dated _____ issued to me, on _____ .

* **Strike off the Clauses not applicable.**

Place _____ ,
Date _____ ,

Signature of Applicant / Firm / Company.

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FORM ' B '
[See Clause - 4 (2)]
Licence for Purchase, Sale / Storage of Vanaspati for sale.

Licence No. ::

01.	Subject to the Provisions of the Meghalaya Vanaspati Dealers' Licensing Order, 1974, and to the terms and conditions of this Licence _____, is / are hereby authorised to purchase, sell or store Vanaspati for sale.		::	
02.	The Licensee shall carry on the aforesaid business at the following Place (s). _____.		::	
03.	(i)	The Licensee shall maintain a Register of Daily Accounts for Vanaspati showing correctly :-	::	
	(a)	the Opening Stock of each Day ;	::	
	(b)	the quantity received on each day showing the place from where and the source from which received ;	::	
	(c)	the quantities delivered or otherwise removed on each day showing the places of destination ; and	::	
	(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 of which shall be upon him.	::	
	(iii)	Separate Registers shall be maintained for each variety of Vanaspati.	::	
04.	The Licensee shall submit to the Licensing Authority concerned a true Return in Form - " C " , of the stocks, receipts and deliveries of each of the Vanaspati every fortnight (01 st to 15 th and 16 th to end of the Month) so as to reach him with 5 (five) days after the close of the fortnight.		::	
05.	The Licensee shall issue to every Customer a correct receipt or invoice, as the case may be, giving his own Name, Address, and Licence Number, the Name, Address, the Licence Number (if any) the Customer, the Date of transaction, the quantity sold, , the price per quintal / Kilogram and the total amount charged and shall keep a Duplicate of the same to be available for Inspection on demand by the Licensing Authority or any other Officer Authorised by him in this behalf.		::	
06.	The Licensee shall give all facilities at all reasonable times to the Licensing Authority or any Officer Authorised by the State Govt. for the Inspection of his stocks and Accounts at any Shop, Godown or other place used by him for the storage, sale or purchase of Vanaspati and for the taking of samples of Vanaspati for examination,.		::	
07.	The Licensee shall comply with any direction that may be given to him by the State Govt. of the Licensing Authority in regard to purchase, Sale or Storage for sale of Vanaspati and in regard to the language in which the Register, Returns, Receipts or invoices mentioned in Paragraphs 3, 4 or 5 shall be written and the authentication and maintenance of the Register mentioned in Paragraph - 3.		::	
08.	The Licence shall be attached to any application for Renewal.		::	
09.	This Licence shall be valid upto , _____ 20 _____.		::	

Place _____ ,
Date _____ day of _____ .

Signature of the Officer
issuing the Licensing

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FORM ' C '
[See Condition - 4 of FORM ' B ']
For use by a Dealer.

Returns of stocks, receipts and sales of Vanaspati for the fortnight ending _____ 20 .

Name --
 Number of Licence --
 Address --

Particulars of Godown where stock held and quantity in stock in each quality of Vanaspati in stock in Tins / Quintals / Kilograms.

	Particulars of Godowns	Quantity in stock Tins / Quintals / Kilograms	Remarks, if any
1.			
2.			
3.			
1.	Stock at the beginning of the fortnight.		
	(a)	actually with the Licensee _____ Tins / Quintals / Kilograms.	
	(b)	pledged with any Persons or Institution such as a Bank or Co - Operative Society _____ Tins / Quintals / Kilograms.	
2.	Quantity purchased during the fortnight.		
	Name of Factory from which purchased.	Quantity (in Tins / Quintals / Kilograms)	
	(i)		
	(ii)		
	(iii)		
	(iv)		
	TOTAL		
3.	Quantity received out of quantity purchased :-		
	From (Name of Factory / Wholesaler)	Quantity (in Tins / Quintals / Kilograms)	Date of Purchase
	(i)		
	(ii)		
	(iii)		
	(iv)		
	TOTAL		
4.	Quantity sold :-		
	(a)	Quantity sold / and delivered / removed during the fortnight _____ Tins / Quintals / Kilograms.	
	(b)	Quantity sold but not yet delivered _____ .	
		Total sold _____ Tins / Quintals / Kilograms.	
5.	Stock at the end of the fortnight.		
	(a)	actually with the Licensee.	
		(i) unsold _____ .	
		(ii) sold but awaiting delivery _____ .	
	(b)	pledged with any other Persons or Institution such as a Bank or Co - Operative Society _____ Tins / Quintals / Kilograms.	
		Total _____ .	

1. **Licensing Authority**

Place _____,
 Dated, Shillong, the _____ 20 .

District

Signature.

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