

PUNJAB LIGHT DIESEL OIL AND KEROSENE LICENSING ORDER, 1978.

PUNJAB GOVERNMENT

FOOD AND SUPPLIES DEPARTMENT

The 22nd March, 1978

ORDER

No. GSR 30/C.A. 10/55/S.3/78 – Whereas the State Government is of opinion that it is necessary so to do for securing equitable distribution and availability of Light Diesel Oil and Kerosene at fair prices;

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), read with Government of India, Ministry of Industry and Civil Supplies (Department of Civil Supplies and Co-operation) orders No.CSR-681 (E), dated the 30th November, 1974 and No.GSR-682(E), dated the 30th November, 1974 and with the prior concurrence of the Central Government, the Governor of Punjab is pleased to make the following Order namely :-

1. Short title, extent and commencement:-

(1). This Order may be called the Punjab Light Diesel Oil and Kerosene Dealers Licensing Order, 1978.

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

(3) It shall come into force at once.

2. Definitions: – In this Order, unless the context otherwise requires: -

(a) “Dealer” means a person engaged in the business of sale or storage for sale of light diesel oil or kerosene or both whether wholesale or retail and whether in conjunction with any other business or not, and includes-

i) his representative or agent; and

ii) an oil company marketing whole sale supply from its storage or selling points.

(b) “Director” means the Director, Food and Supplies, Punjab and includes the Additional Director, Food and Supplies, the Joint Director, Food and Supplies, Deputy Secretary, Food and Supplies, Punjab or any other officer authorised by the Government to administer this order or any of the provisions of this order;

(c) “District Magistrate” means the District magistrate of the district and includes Sub-Divisional Magistrate, Deputy Director, Food and Supplies, Assistant Director, Food and Supplies, District Food and Supplies Controller and

Additional District Food and Supplies Controller within their respective jurisdiction; *{Italics added by Punjab Light Diesel Oil And Kerosene Dealers Licensing (First Amendment) Order, 1983. Published in the Punjab Government Gazette, (Extra) Dated the 14th November 1983) vide GSR No. 89/CA-10/55/S.3/Amd.(8)83.}*

{Underlined words added by Punjab Light Diesel Oil And Kerosene Dealers Licensing (First Amendment) Order, 1979. Published in the Punjab Government Gazette,(Extra) Dated the 30-03-1979 vide GSR No. 44/CA-10/55/S.3/Amd.(2)79.}

- (d) “Form” means form appended to this Order;
- (e) “Inspector” means the Inspector, Food and Supplies and includes District Food and Supplies Officer, Assistant Food and Supplies Officer or any other officer appointed by the Government to exercise the powers in respect of the matters specified in clause 15 of this order;
- (f) “Oil Company” means an oil distribution company specified in the Schedule appended to this Order;
- (g) “Retailer” means a dealer who is not a wholesaler;
- (h) “Wholesaler” means a dealer who deals in light diesel oil exceeding 100 litres and in kerosene oil in quantities in excess of 18.5 litres, in single transaction.

3. Licensing of dealers:- No person shall carry on business as a dealer except under and in accordance with the terms and conditions of a licence granted under this Order by the District Magistrate.

◆ Now, there fore, in exercise of powers conferred by clause 17 of Punjab Light Diesel Oil And Kerosene Dealers Licensing (First Amendment) Order,1978 , I, hereby exempt from the provisions of clause 3 of said order,

- (i) All persons engaged in the business of sale or storage for sale of kerosene oil at government Fair Price Shops who are authorized to do so by the government or by any officer empowered by it in this behalf; and

(ii) All persons engaged in the business of sale or storage of kerosene oil on behalf of (a) Cooperative Agricultural Service Societies and (b) Cooperative Thrift And Credit Societies.

[♦Added by endorsement no. 9603-4s-(19)-78/51153-A, Chandigarh Dated 08-11-1978, Published in the Punjab Government Gazette Dated the 17th November 1978]

Sub-clause (i) above has been substituted by following clause by Endorsement No. 490-4S-(69)-86/3585, Dated Chandigarh The 29 th January, 1986 Published in the Punjab Government Gazette,(Extra) Dated the 29-01-1986 vide No.S.O. 4/P.L.D.O.&K.D.L.O. 78/CI.17/Amd./86.

(i) All retailers who have subsisting agreements with the state government for sale or storage of Kerosene oil in accordance with the terms of such agreements; and”

4. **Application for license:** - Every person desiring to obtain a licence shall make an application to the District Magistrate in Form “A”.
5. **District magistrate to have regard to certain matters in granting or refusing a licence** – In granting or refusing a licence the District magistrate shall have regard to the following matters, namely: -
 - (i) That the applicant is not a person convicted for an offence involving moral turpitude;
 - (ii) That the applicant possesses suitable premises for carrying on business as a dealer;
 - (iii) That the application is not benami; and
 - (iv) Any other matter which the District Magistrate may consider necessary or relevant for the purpose.
6. **Grant or refusal of licence** – (1) On receipt of an application for grant of a licence under this Order, the District Magistrate may, after taking into consideration the matters referred to in clause 5 either grant or refuse a licence.
(2) Where the application for a licence is refused the reasons for such refusal shall be recorded in writing and a copy of the same shall be furnished to the applicant.

(3) Where the application for grant of licence is not refused, the District Magistrate shall grant the applicant a licence in Form 'B' subject to the conditions mentioned therein and such other conditions as the District Magistrate may specify from time to time.

7. Period of licence and fee chargeable – (1) Subject to the provisions of sub-clause (2), every licence under this Order shall be granted or renewed for such period not exceeding three years at a time as may be desired by the applicant at the time of making an application for grant or renewal, as the case may be.

(2) Every such licence shall, unless previously suspended or revoked, expire on the 31st day of March of the year specified at the time of grant or renewal, as the case may be.

(3) The following fee shall be chargeable for the grant of licence: -

Period	Wholesaler	Retailer
(i) For a period not exceeding one year	Rs. 30(Rs. 200)	Rs. 20(Rs. 100)
(ii) For a period exceeding one year but not exceeding two years	Rs.45(Rs. 350)	Rs. 30(Rs. 175)
(iii) For the period exceeding two years up to three years	Rs.500	Rs. 250

[Figures in brackets added by Punjab Light Diesel Oil And Kerosene Dealers Licensing (First Amendment) Order, 1987, published in the Punjab Government Gazette (Extra), Dated the 04-09-1987) vide GSR No. 68/CA-10/55/S.3/Amd.(10)87.]

(4)The fee for renewal of licence shall be fifteen rupees for a wholesaler and ten rupees for a retailer for one year or part thereof. *[This clause omitted by Punjab Light Diesel Oil And Kerosene Dealers Licensing (First Amendment) Order, 1987, published in the Punjab Government Gazette (Extra), Dated the 04-09-1987) vide GSR No. 68/CA-10/55/S.3/Amd.(10)87.]*

(5)Fee for the grant of duplicate licence shall be ten rupees. *[This clause was substituted by following wording by Punjab Light Diesel Oil And Kerosene Dealers Licensing (First Amendment) Order, 1987, published in the Punjab Government Gazette (Extra), Dated the 04-09-1987)) vide GSR No. 68/CA-10/55/S.3/Amd.(10)87].*

“The fee for the grant of a duplicate license shall be one hundred rupee for a wholesaler and fifty rupees for a retailer.”

(6) A separate licence shall be obtained by a dealer for each place of business.

(7) No person shall simultaneously hold wholesale as well as retail licence for carrying on business in the same city, town or village.

- ◆ “Provided that a whole seller dealing in kerosene oil may hold retail license for selling kerosene oil in retail and exceeding twenty five percent of the supplies received by him at one time subject to the condition that the sale thereof shall not exceed 18.5 litters in a single transaction.”

[◆ Added by Punjab Light Diesel Oil And Kerosene Dealers Licensing (First Amendment) Order, 1978, published in the Punjab Government Gazette, Legislative Supplement, Dated the 8th September 1978 vide GSR No. 92/CA-10/55/S.3/Amd.(1)78.][This was omitted by Punjab Light Diesel Oil And Kerosene Dealers Licensing (Second Amendment) Order, 1979, published in the Punjab Government Gazette (Extra), Dated the 02-06-1979) vide GSR No. 73/CA-10/55/S.3/Amd.(3)79.]

(8) *An application for the renewal of a licence shall be made so as to reach the District Magistrate not less than thirty days before the date on which the licence expires:*

Provided that the District magistrate may entertain the application after the expiry of the said period, but not later than thirty days after the expiry of the licence if he is satisfied that the applicant was perverted by sufficient cause from applying for renewal within time.

◆*Provided further that the Director may, after imposing a penalty of an amount not exceeding the amount of security specified in clause 8, entertain the application even after the expiry of a period of 30 days referred to in the first proviso but not later than 180 days after the expiry of license, if he is satisfied that the applicant was prevented by sufficient cause from applying for renewal within time. [◆ Added by Punjab Light Diesel Oil And Kerosene Dealers Licensing (First Amendment) Order, 1988. Published in the Punjab Government*

Gazette,(Extra) Dated the 31-05-1988, vide GSR No. 55/CA-10/55/S.3/Amd.(11)88.]

- 8. Deposit of security** – For the due performance of the conditions of the licence every person who applies for a licence under this Order, shall, before a licence is issued to him deposit with the District Magistrate a security of the value of one thousand rupee if he is a wholesaler and two hundred rupees if he is a retailer, each for Light Diesel Oil and Kerosene Oil, in such form as the District Magistrate may direct. *[This clause 8 was substituted by Punjab Light Diesel Oil And Kerosene Dealers Licensing (First Amendment) Order, 1980 Published in Punjab Govt. Gazzete (Extra.) Dated 22-02-1980, vide GSR No. 14/CA-10/55/S.3/Amd.(6)80.]*

Words one thousand substituted by word two-thousands five hundreds and word two hundreds substituted by word five hundreds by Punjab Light Diesel Oil And Kerosene Dealers Licensing (First Amendment) Order, 1985. *Published in the Punjab Government Gazette,(Extra) Dated the 15-10-1985, vide GSR No. 69/CA-10/55/S.3/Amd.(9)85.*

- 9. Directions regarding distribution and sale** – (1) The Government, the Director or the District Magistrate may by general or special order in writing, issue such directions in regard to purchase, sale and storage for sale of light diesel oil and kerosene as it or he may think proper and the licensee to whom such directions are issued shall be bound to comply with the same.

(2) No dealer shall withhold from sale any stock of light diesel oil or kerosene.

- 10. Cancellation or suspension of licence** –(i) If a licensee or his agent or servant or any person acting on his behalf contravenes any of the terms or conditions of his licence or any provision of this Order, then, without prejudice to any action that may be taken against him the District magistrate may by an order in writing cancel or suspend the licence with regard to that commodity in respect of which contravention has been made:

Provided that no order shall be made under this clause unless the licensee has been given a reasonable opportunity of stating his case.

◆ “Provided further that the licensing authority may suspend a license without giving a reasonable opportunity of stating his case to the licensee, for a period not exceeding ninety days during the pendency or in contemplation of the proceedings for cancellation of his license.” [◆Added by *Punjab Light Diesel Oil And Kerosene Dealers Licensing (Third Amendment) Order, 1980. Published in the Punjab Government Gazette, (Extra), Dated 15-09-1980, vide GSR No. 78/CA-10/55/S.3/Amd.(7)80.*]

◆(ii) Every whole seller or retail dealer whose license has been cancelled or suspended or hasn't been renewed under clause 7, shall dispose of his stocks of Light Diesel Oil or of Kerosene Oil within such time and to such person and in such manner, at such prices, as may be specified by the District Magistrate.
[◆ Added by *Punjab Light Diesel Oil And Kerosene Dealers Licensing (Third Amendment) Order, 1979. Published in the Punjab Government Gazette, Legislative Supplement, Dated 13-07-1979, vide GSR No. 96/CA-10/55/S.3/Amd.(3)79.*]

11. **Forfeiture of security deposit** – (1) If the District Magistrate is satisfied that the licensee has contravened any of the conditions of the licence and that a forfeiture of his security deposit is called for, he, may without prejudice to any other action that may be taken against him, after giving the licensee a reasonable opportunity to stating his case against the forfeiture, by order, forfeit the whole or any part of the security deposited by him *for light diesel oil or kerosene oil, as the case may be, in respect of which contravention has been made and communicate a copy of the order to the licensee.* [Italics added by *Punjab Light Diesel Oil And Kerosene Dealers Licensing (First Amendment) Order, 1980. Published in the Punjab Government Gazette, (Extra) Dated the 22-02-1980 vide GSR No. 14/CA-10/55/S.3/Amd.(6)80.*]

(2) The licensee shall, if the amount of security at any time falls short of the amount specified in clause 8, forthwith deposit further security to make up that amount on being required by the District Magistrate to do so.

(3) Upon due compliance by the licensee with all obligations of the licence, the amount of security or such part thereof as is not forfeited as aforesaid shall be returned to the licensee after the termination of the licence.

12. Appeal – (1) Any person aggrieved by an order of the District Magistrate refusing to grant or renew the licence or canceling or suspending a licence or forfeiting the security deposited by the dealer under the provisions of this Order may, within a period of thirty days from the date of receipt of order by him, appeal to the Director:

Provided that the Director may entertain an appeal after the expiry of the said period of thirty days but within a period of sixty days of the receipt of the order by such person, if the Director is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) No such appeal shall be disposed of unless the aggrieved person has been given a reasonable opportunity of stating his case.

(3) Pending the disposal of the appeal, the Director may direct that the order refusing to renew a licence or the order canceling or suspending the licence shall not take effect until the appeal is disposed of.

The decision of the Director and subject only to that decision, the order of the District Magistrate shall be final.

12-A *The state government may call for and examine the record of any proceeding disposed of by the Director in appeal under clause 12 or by the District Magistrate under this order for the purpose of satisfying itself as to the legality or propriety of any order made therein and may confirm, modify, suspend, or rescind any such an order. .[Italics added by Punjab Light Diesel Oil And Kerosene Dealers Licensing (Fourth Amendment) Order, 1979. Published in the Punjab Government Gazette, (Extra) Dated the 26-09-1979 vide GSR No.136/CA-10/55/S.3/Amd.(5)79.]*

13. Maintenance of stock register and submission of returns :-

(1) Every Licensee shall maintain a true account of stocks in form 'C' and Form 'I' of the daily receipt and disposal, as the case may be, of light diesel oil and kerosene and keep it at the place of his business for inspection as and when required.

(2) Every licensee shall submit to the concerned District Magistrate a weekly statement ending on every Saturday in Form 'E' so as reach his office on the following Monday Without fail.

14. Display of price and stock position – Every licensee shall exhibit at the entrance or some other prominent place of his business premises, the price list of light diesel oil and kerosene held by him for sale along with the opening balance of stock of each variety. This shall be legibly written in English or in Punjabi in Gurmukhi script.

15. Power of entry, search and seizure, etc. – *(1) The Director, the District Magistrate, the Assistant Director, Food and Supplies, the food Inspector, food sub-inspector, food and supplies or any other officer not below the rank of the Inspector of Police[Italics added by no 4s(283)-91/4480A,Dated Chandigarh 20-12-1991 Published in the Punjab Government Gazette,(Extra) Dated the 02-01-1992 vide No. 4S(283)-91/4480.], may, with a view to securing compliance with the provisions of this Order or to satisfying himself that the provisions of this Order or to satisfying himself that the provisions of this Order have been complied with and with such assistant, if any, as he thinks fit,-*

(a) Enter upon and inspect any business premises of a dealer or any premises on which he has reason to believe that light diesel oil or kerosene or both have been, are being or are likely to be kept, stored, distributed, disposed of or to and from which light diesel oil or kerosene have been or are being or are likely to be removed or transported;

(b) Stop and inspect any vehicle or animal on which light diesel oil or kerosene oil or both are being carried for sale, supply or storage or any other purposes;

(c) Seize light diesel oil or kerosene or both found in the possession of such dealer or in any vehicle or on any animal in respect of which he has reason to

believe that a contravention of this Order has been, is being, or is about to be committed; and

(d) Seize any record pertaining to light diesel oil kerosene or both in respect of which he has reason to believe that contravention of this Order has been or is being or is about to be committed.

(2) Every person (including his agent or servant) in charge of the vehicle or animal or premises which is searched or is sought to be searched under the provisions of sub-clause (1) shall allow the authority making the demand an access to such vehicle, animal or premises and shall also answer truthfully and to the best of his knowledge or belief all questions put to him.

(3) Provisions of section 100 the code of criminals procedure, 1973 (Central Act 2 of 1974) relating to search & seizures shall, so far as may be, apply to searches and seizures under this clause.

16. Power to call for Information- Every licensee shall, when required by general or special order of the Director or the District Magistrate, furnish truthfully and to the best of his knowledge such particulars and information relating to light diesel oil or kerosene or both as may be required

17. Exemption – If the State Government or the Director is Satisfied that it is expedient in public interest so to do, it may, or he may exempt any person or class of persons from the operations of all or any of the provisions of this order and may at any time suspend or rescind such exemption.

18. Repeal and saving – (1) The Punjab Light Diesel Oil Dealers Licensing Order, 1974 and the Punjab Kerosene Dealers Licensing Order, 1966 are hereby repealed

Provided that such repeal shall not affect –

(a) The previous operation of the said order or anything duly done or suffered there under; or

(b) Any right, privilege, obligations or liability acquired, accrued or incurred under the said Orders; or

(c) Any penalty, forfeiture or punishment incurred in respect of any offence under the said Orders; or

(d) 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 or punishment may be imposed as if the said Orders had not been repeated.

FORM 'A'
(See clause 4)

The Punjab Light Diesel Oil and Kerosene Dealers Licensing Order, 1978.

Application for grant/renewal of wholesale/retail licence.

To,

The District Magistrate,

I/We hereby apply for the grant/renewal of a wholesale/retail licence to sell or supply light diesel oil of kerosene or both at (here mention the address of the place of business)_____ 1.

Name, parentage and postal address of the applicant _____

2. Address and details of the location (s) of the applicant's godown _____

3. Period for which licence is required _____

I/We declare that I/We have never been convicted for an offence involving moral turpitude.

I/We hereby carefully read the conditions of licence given in Form 'B' and I/we agree to abide by them.

I/We hereby apply for renewal of licence No. _____, dated _____ issued to me on _____.

Place _____

Signature of applicant.

Date _____

Wholesaler
Retailer

FORM 'B'

[See sub-clause (3) of clause 6]

The Punjab Light Diesel Oil and Kerosene Dealer Licensing Order 1978.

Licence No. _____

District _____

1. (i) Name of licensee in full _____
(ii) Parentage _____
(iii) Postal Address _____

is licensed to sell or supply light diesel oil or kerosene or both in wholesale/retail sale at (here mention the address or addresses of the place of business) _____

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2. Date up to which the licence is valid _____
 3. Every licensee shall sell light diesel oil or kerosene or both at the rates fixed by the authority empowered to do so.
 4. Every licence shall prominently display at sale premises the quantity of stocks in hand and the price at which light diesel oil/kerosene is sold.
 5. The licensee shall except when specially exempted by the State Government or by the Director in this behalf issue to every customer a correct receipt or invoice as the case may be, giving his own name, address and permit number, the name, address and licence number (if any) of the costumer, the date of transaction, the quantity sold, the price charged and shall keep a duplicate of the same to available for inspection on demand by the District Magistrate or any other officer authorised by it in this behalf.
 6. The licence shall all facilities at al responsible times to the District Magistrate or any officer authorised by it or the State Government for the inspection of his stocks and accounts at any shop, godown or any other place, where light diesel oil or kerosene is stored.
 7. The licence shall comply with any direction that may be given to him by the State Government or Director in regard to purchase, sale, storage for sale and disposal of light diesel/kerosene.

District Magistrate

Date _____

FORM 'C'
 [See sub-clause (1) of clause 13]
 STOCK REGISTER

Date sold	Opening balance	Quantity of light Diesel Oil /kerosene as received on date (showing place and source of receipt)	Total of columns 2 and 3	Quantity locally
1.	2.	3.	4.	5.

Remove to other places showing destination	Closing balance	Remarks, of any	Signature of the dealer/ agent
6.	7.	8.	9.

FORM 'D'
[See sub-clause (2) of clause 13]
SALE REGISTER

Date	Serial No.	Name of buyer	Distribution Card No.	No. and date of permits	Quantity sold	Price charged	Signature of the buyer
1.	2.	3.	4.	5.	6.	7.	8.

FORM 'E'
 [See sub-clause (2) of clause 13]
 WEEKLY STATEMENT

Opening balance of Remarks	Receipt during the week (variety wise)	Place and source of receipt	Total of columns 1 and 2	Total sales delivered of Light Diesel Oil/ Kerosene during the Week (against distri- bution cards and Permits separately)	Closing balance on Saturday
1.	2.	3.	4.	5.	6.
7.					