

The U.P. Truck Tyre Dealers Licensing Order, 1973

UTTAR PRADESH

India

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Rule THE-U-P-TRUCK-TYRE-DEALERS-LICENSING-ORDER-1973 of 1973

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The U.P. Truck Tyre Dealers Licensing Order, 1973Published vide Notification U.P. Gazette, (Extraordinary), dated 23rd August, 1973, vide Notification No 3669/29-A-2-5 (Tyre and Tube)-73, dated August 23, 1973Whereas the State Government is of the opinion that it is necessary and expedient so to do, for maintaining the supplies of truck tyres and for securing their equitable distribution and availability at fair prices;Now, therefore, in exercise of the powers under Section 3 of the Essential Commodities Act, 1955 (Act No. 10 of 1955), read with the notification of the Government of India in the Ministry of Commerce (Civil Supplies) published under S.O. 1844, dated June 18, 1966, the Governor is pleased to make the following order, namely:

1. Short title, extent and commencement.

(1)This Order may be called the Uttar Pradesh Truck Tyre Dealers Licensing Order, 1973.(2)It extends to the whole of Uttar Pradesh.(3)It shall come into force at once.

2. Definitions.

- In this Order unless the context otherwise requires,-(a)"dealer" means a person or a firm who has been authorized by any Tyre Manufacturing Company to deal in the business of purchase sale or storage for sale of a particular brand of truck tyre of any specifications;(b)"truck tyre" means a tyre of any specifications, meant for use by a heavy motor vehicle such as truck or bus;(c)"form" means a form set out in the Schedule to the Order;(d)["Licensing Authority" means the District Magistrate of the District or any other officer authorized by him to perform his functions under this Order and includes the District Supply Officer of the district;] [Substituted by Notification No. 948/XXIX-E-C-1-57(TT)-76, dated 31.3.1976.](e)"tyre manufacturing company" means a company engaged in the business of manufacture or production of truck tyre.

3. Licensing of dealers.

(1) No person shall on or after the expiry of three weeks from the commencement of this Order carry on business as a dealer except under and in accordance with the terms and conditions of a licence issued and in force under this Order. (2) A separate licence shall be necessary for each place of business. (3) Notwithstanding anything in sub-clause (1), any person who carries on business as a dealer immediately before the commencement of this Order and applies for a licence in accordance with clause 4 within a period of fifteen days from the commencement of this Order may continue to carry on the said business until a licence is granted or refused to him.

4. Issue of licence.

(1) Every application for a licence or renewal thereof shall be made to the licensing authority in Form A. (2) Every application for renewal of licence shall be made as to reach the licensing authority not less than fifteen days before the expiry of the period of licence. (3) Every licence issued or renewed under this Order shall be in Form B.

5. Period of licence and fees chargeable.

(1) A licence issued under this Order shall be valid until the 31st December of the year in which it is issued and may be renewed for three years at a time. Provided that where an application for renewal of licence is made for one year, it shall not be refused merely on the ground that it has not been made for three years. (2) The fee specified below shall be chargeable in respect of each licence:

	Rs.
For issue of licence in Form 'B'	50.00
For renewal of licence in Form 'B'	20.00
For issue of duplicate licence in Form 'B'	10.00

6. Power to refuse licence.

- The licensing authority may, after affording the dealer an opportunity of stating his case in writing and for reasons to be recorded, refuse to grant or renew a licence.

7. Suspension or cancellation of licence.

(1) If the licensing authority is satisfied that a licensee or his agent or any other person acting on his behalf has contravened any of the provisions of this Order of the Uttar Pradesh Uchit Mulya Tatha Vitaran (Rasad) Aadesh, 1966, in so far as it relates to truck tyres specified in the Schedule attached thereto or any of the terms and conditions of the licence, he may, without prejudice to any other action that may be taken against the licensee or other person as aforesaid, suspend or cancel the licence: Provided that no order shall be made under this clause unless the licensee has been afforded a reasonable opportunity of giving an explanation in respect of the charges against him. (2) A copy of

every order suspending or cancelling a licence shall be given to the licensee.

8. Appeal.

- Any person aggrieved by any Order of the licensing authority refusing to grant or renew a licence or suspending or cancelling a licence may appeal to the State Government or to any officer authorized by the State Government in this behalf within thirty days of the date of receipt by him of such order and the State Government or such officer as aforesaid may pass such orders on the appeal as may in the circumstances appear to it or him to be proper.

9. Regulation of supply and distribution.

(1)The State Government may by Order regulate the distribution of truck tyre of any specification by any Tyre Manufacturing Company in such supply area or areas and such manner as may be specified.(2)Every Tyre Manufacturing Company shall comply with any directions issued by the State Government under sub-clause (1).(3)Without prejudice to sub-clause (2), every Tyre Manufacturing Company shall supply such information as may be required by the State Government in respect of supply and distribution of truck tyre.(4)Every dealer shall on receipt of truck tyre supplied by a Tyre Manufacturing Company whether in pursuance of an Order made under sub-clause (1) or otherwise, distribute the same in the supply area concerned in accordance with any directions issued by the licensing authority in this behalf.

10. Powers of entry, search and seizure.

(1)The licensing authority or and other officer authorized by the licensing authority in this behalf, may with such assistance, if any, as he thinks fit-(a)require the owner, occupier or any other person incharge of any premises, vehicle or vessel in which he has reason to believe that any contravention of this Order has been, is being or is about to be committed to produce any books, accounts or other records showing transactions relating to such contravention;(b)enter, inspect, or break open and search any premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of the Order has been, is being or is about to be committed;(c)take or cause to be taken, extracts from or copies of any documents showing transactions relating to such contravention which are produced before him;(d)search, seize and remove stocks of scheduled commodities, in respect of which he has reason to believe that a contravention of the provisions of this Order, has been, is being or is about to be committed and thereafter take or authorise the taking of all measures necessary for securing the production of the stocks so seized in a court and for their safe custody pending such production.(2)The provisions of Sections 102 and 103 of the [Code of Criminal Procedure, 1898 (Act No. V of 1898)] [Now see Section 100 of the Code of Criminal Procedure, 1973 (Act 2 of 1974).], relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

Schedule

Form 'A'[See Clause 4 (1)]Application for grant/renewal of licence for dealer

1. Applicant's name.....

2. Applicant's residence.....

3. If the application is made on behalf of a firm or an incorporated company, state trading name.....

4. Names and addresses of all partners, as the case may be.....

5. Situation of applicants-

(1)Place of business.....(2)Place of storage with particulars as to number of house, Mohallas, Town or Village, police station and district.....

6. State whether authorized to deal in truck tyre by any Tyre Manufacturing Company ? If so, mention name and address of the company and attach necessary certificate to this effect

I/We have carefully read the provisions of the Uttar Pradesh Truck Tyre Dealers Licensing Order, 1973 and understand that the licence issued to me/us will be subject to the provisions of that Order and that any breach of the conditions of such licence will amount to breach of the Order.I/We declare that to the best of my/our knowledge and belief, the above information is correct and complete.*I hereby apply for renewal of licence no..... dated..... issued to me on

.....Signature of the

applicantDated.....19.....District.....* This column should be filled in only in case of renewal of licence. The expiring licence should be enclosed with application for renewal.Form 'B'[See Clause 4 (3)]Licence for Dealer in Truck TyreLicence

No.....Date.....

1. Subject to the provisions of the Uttar Pradesh Truck Tyre Dealers Licensing Order, 1973 and to the terms and conditions of this licence, Sri/Sarvsri is/are hereby authorized to deal in truck tyre.

2. The licensee shall carry on the aforesaid business at the following place, namely:

(i)House No(ii)Mohalla

3. The licensee shall not store truck tyre at any place other than the place of storage mentioned below:

(i)House

No.....(ii)Mohalla.....Town.....District.....Note:-If the licensee store truck tyre in a place other than those specified above, he shall give an intimation thereof within 48 hours of its actual occupation and shall produce the licence for making requisite changes before the licensing authority.

4. The licence is valid in town/district.....from.....to.....and is granted subject to the conditions given below:

Dated.....19.....Signature of Licensing AuthorityDistrict.....Renewal of Endorsement

Date of application for renewal	Date from which licence is renewed	Date of expiry	Remarks
1	2	3	4

Conditions of Licence

1. The licensee shall display his licence prominently at his place of business.

2. The licensee shall maintain a stock register of daily accounts in the Hindi Language in Devanagari script in the following form:

[Name of Article Quantity	Month and date Rate	Particulars	Receipt	Amount	Issued quantity	Balance stock	Remarks	
1	2	3	4	5	6	7	8	9]

[Substituted by (First Amendment) Order, 1974, dated 19.1.1974]

3. The licensee shall also maintain a sales register of daily account in the Hindi language in Devanagari script in the following form :

[Date	Name and address of the purchaser	Permit No. and date if any	Number of the truck	Quantity sold	Size of the tyre sold	Price received	Number and date of the cash memo	Remarks
1	2	3	4	5	6	7	8	9]

[Substituted by (Second Amendment) Order, 1976, dated 31-3-1976]

4. The licensee shall complete the accounts and related records relating to his business for each day on the day to which they relate, unless prevented by reasonable cause, the burden of proving to which shall be upon him.

5. The licensee shall not-

(i)withhold from sale of any variety of truck tyre actually held in stock by him at any time;(ii)sell or offer to sell variety of truck tyre at a price higher than that approved by the Central Government or by the State Government in pursuance of powers conferred by any law or fixed by the Tyre Manufacturing Company;(iii)enter into any transaction involving purchase, sale or storage for sale of truck tyre in a speculative manner prejudicial to the maintenance and easy availability of supplies in the market.

6. The licensee shall issue to every purchaser a correct receipt or invoice, as the case may be, giving along with his own name, address and licence number, the name and address of the purchaser, date of transaction, quantity sold, rate 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 officer authorised by him in this behalf.

7. [* * *] [Omitted by (Second Amendment) Order, 1976, dated 31.3.1976].

8. [The licensee shall furnish such information relating to the business as may be demanded by the licensing authority and shall carry out such instructions as may be from time to time be given by him or such other officer as may be authorised by him in this behalf.] [Substituted by (Second Amendment) Order, 1976, dated 31.3.1976.]

9. The licensee shall afford all facilities at all reasonable time to the licensing authority or any officer authorized by the licensing authority or an officer of the State Government especially deputed for the purpose, for the inspection of his stocks and accounts and related records at the place of business or storage.