

# The Orissa High Speed Diesel (Dealers' Licensing) Order, 1979

ODISHA

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## The Orissa High Speed Diesel (Dealers' Licensing) Order, 1979

### Rule

### THE-ORISSA-HIGH-SPEED-DIESEL-DEALERS-LICENSING-ORDER-1979 of 1979

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The Orissa High Speed Diesel (Dealers' Licensing) Order, 1979 Published vide Notification No. S.R.O. No. 29/80, Orissa Gazette Extraordinary No. 47, dated 18.1.1980 S.R.O. No. 29/80. - In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with the Notifications of the Government of India in the Ministry of Industry and Civil Supplies (Department of Civil Supplies and Co-operation) No. S.O. No. 681 (E), dated the 30th November, 1974 published in the Gazette of India Extraordinary (Part II, Section 3, Sub-section (1), dated the 30th November, 1974) the State Government do hereby make the following Order, namely:

#### 1. Short title, extent and commencement.

- (i) This order may be called the Orissa High Speed Diesel (Dealers' Licensing) Order, 1979. (ii) It shall extend to the whole of the State of Orissa. (iii) It shall come into force on the date of its publication in the Official Gazette.

#### 2. Definitions.

- In this Order, unless the context otherwise requires (a) "Collector" means the Collector of the District; (b) "Dealer" in relation to a retail outlet means a person who carries on business of purchase, sale or storage for the purpose of sale of high speed diesel and includes his representative or agent; (c) "Declared price" means the price fixed by an Oil Company at which high speed diesel shall be sold by a dealer at any filling station; (d) "Form" means a Form appended to this Order; (e) "Licensing Authority" means the Collectors within their respective jurisdictions and the State Government for the entire State; (f) "Oil Companies" means Indian Oil Corporation, Hindustan Petroleum Corporation, Hindustan Petroleum Corporation (Visakha Marketing Unit), Bharat

Petroleum Corporation, [The Indo Burma Petroleum Company Ltd.]) [Inserted by Notification No. 41310-dated 25.12.1988.];(g)"retail outlet" means a filling station in which one or more dispensing pumps have been provided and where high speed diesel is sold in retail to consumers.

### **3. High Speed Diesel not to be sold without licence.**

- No person shall carry on business as a dealer within the State of Orissa except under and in accordance with the terms and conditions of a licence granted in that behalf by the Licensing Authority in Form I.

### **4. Application for grant or renewal of licence.**

(1)Any application for grant or renewal of licence under this Order shall be made in Form II duly recommended by the respective Oil Companies.(2)[ Every licence granted under this order shall, unless revoked or expired be valid for a period of one year or more but not exceeding five years ending on the 31st day of March and may be renewed for a period of one year or more but not exceeding five years at a time on an application within thirty days before the date of expiry of such licence.] [Substituted vide Notification No. 16390 dated 23.5.1996 (Q.G.E.No. 621 dated 18.6.1996).]Explanation - "Year" means the financial year commencing on the 1st day of April.(3)[(i) The fees chargeable in respect of each licence for a period of one year or less or per year shall be as specified below :

	Rs.
For issue of licence	Rs. 5,000.00
For renewal of licence	Rs. 2,000.00
For issue of duplicate licence	Rs. 1,000.00

(ii)Existing licences are valid till the 31st December, 1984. On application by the licensees for renewal the licences shall be renewed till the 31st March, 1985 on payment of a fee equal to one-fourth of the fee prescribed under Sub-clause (3)(i) above.](4)The fees specified in Sub-clause (3) shall be deposited in Government Treasury to the credit of the State Government through a Treasury Challan and the Treasury Challan shall be submitted with the application for grant or renewal of licence.(5)[ The holder of the licence shall immediately obtain from the Licensing Authority a duplicate licence if the original issued to him is lost, destroyed or defaced.] [Substituted by S.R.O. No. 1266/84-dated 29.9.1984.]

### **5.**

Separate licence shall be obtained by the dealer for each retail outlet.

**5A. [ [Deleted by S.RO. No. 1446/84-dated 22.12.1984, O.G.E. No. 334 - dated 23.2.1985.]**

\* \* \*] [Substituted vide Notification No. 3985 dated 19.2.05 (O.G.E. No. 392 Dated 28.2.2005.)]

## **6. Sale of high speed diesel.**

- The Dealers [if so directed by the Collector] [Inserted by S.R.O. No. 921/83-dated 21.12.1983, O.G.E. No. 1229 - dated 12.7.1984.] shall sell high speed diesel to the customers not exceeding quantities mentioned in the cards in Form III issued by the Licensing Authority or any other officer authorised by him in that behalf.

## **7. Cancellation and suspension of licence.**

- Any dealer to whom a licence has been granted and who contravenes any of the provisions of this Order or any of the conditions of the said licensing the licensee shall, without prejudice to any other action that may be taken against him under any other law for the time being in force be liable to have his licence cancelled or suspended by the licensing authority: Provided that no order cancelling or suspending the licence shall be made without giving the dealer an opportunity of being heard: Provided further that where the Order cancelling or suspending a licence is passed by the Licensing Authority other than the State Government, the aggrieved person may, within thirty days from the date of the communication of the said Order appeal to the State Government whose decision in such appeal shall be final.

## **8. Power of entry, search, seizure, etc.**

(1) For the effective enforcement of the provisions of this Order, any officer not below the rank of Inspector of Supplies authorised by the State Government in this behalf or a police officer or above the rank of Sub-Inspector may, when he has reason to believe that a contravention of this order has been or is being or is about to be committed, enter and search the retail outlet; interrogate any person and seize high speed diesel including the containers in respect of which he has reason to believe that the contravention has been, is being or is about to be committed. (2) The provisions of Section 100 of the Code of Criminal Procedure, 1973 (2 of 1974), relating to search and seizure shall so far as may be, apply to searches and seizures under this Clause.

## **9.**

Notwithstanding anything contained in the Orissa Petroleum Products (Sale by Dealers) Order, 1979 but save as provided in this Order, the provisions of the said Order shall not apply to High Speed Diesel. Form-I [See Clause 3] Licence granted to a dealer No.....

**1. Subject to the provisions of the Orissa High Speed Diesel (Dealers' Licensing) Order, 1979 and to the terms and conditions of this licence.....is/are hereby authorised to deal in High Speed Diesel.**

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

Place .....

**3. The licensee shall not store High Speed Diesel in any place mentioned in par-2.**

**4. The licensee shall maintain a register of daily account showing correctly all transactions of High Speed Diesel, it shall show:**

(a)the opening stock on each day;(b)the quantities received on each day showing the name of the supplier;(c)quantities sold on each day showing the name of the consumer and vehicle No.:(d)the closing stock on each day.

**5. The licensee shall report the stock position of High Speed Diesel every week to the Licensing Authority with detailed statement of sales indicating the name of the consumer vehicle No., Card No. and quantity sold.**

**6. The licensee shall issue to every consumer a correct receipt Indicating the name of the consumer vehicle Regd. No. date of transaction, the quantity sold, the rate at which sold and the total amount charged and shall keep a duplicate of the same for inspection on demand by Licensing Authority or any other officer authorised by him.**

**7. The licensee shall not sell High Speed Diesel at prices other than that fixed by the Oil Company.**

**8. The licensee shall give all facilities at all reasonable time to any officer authorised by the State Government or the Licensing Authority for the inspection of the accounts and stocks in his possession.**

**9. The licensee shall not have in his possession or under his control any diesel in excess of the quantity revealed in his account and if any such excess quantity is not properly accounted for by the licensee, it shall be liable to seizure.**

**10. Contravention of any of the conditions of this licence whether by the licensee or his agent or servant or by any person who can reasonably be presumed to have been acting on his behalf will render the licence liable to cancellation or suspension.**

**11. [ The licensee shall comply with any direction that may be given to him under the order in writing by the Licensing Authority.] [Inserted by Notification No. 41310-dated 25.12.1988, (O.G.E. No. 1827/1988)]**

Signature of the Licensing Authority Date.....Form - II[See Clause 4]Form of application for Licence as a dealer in High Speed Diesel

**1. Applicant's name and address:**

**2. The name of the Oil Company appointing the Dealer:**

**3. Applicant's place of business:**

**4. How long the applicant dealing in High Speed Diesel:**

**5. Quantity of High Speed Diesel handled by the applicant during the preceding year (quantity be specified in KL.) :**

I declare that the following quantities of High Speed Diesel for sale are in my possession this day, and are held at places noted against them -Name of place.....Stocks  
.....Quantity .....I hereby certify that to the best of my knowledge the particulars given in this application are true and correct.Date .....Place.....Signature of the applicantForm-III[See Clause 6]Form of consumer cards for sale of High Speed DieselCard No.....Name and address of the dealer of the concerned Oil Companies:Name of the Consumer with Regn. Certificate No. of the vehicle:Monthly quota of High Speed Diesel to be supplied by the dealer:

Date of issue of the Card	Signature of the Dealer	Signature of the consumer	Details of Sales/ Quantity sold	Designation and signature of the issuing authority
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Date.....Signature of the Dealer