

The U.P. High Speed Diesel Oil and Light Diesel Oil (Maintenance of Supplies and Distribution) Order, 1981

UTTAR PRADESH

India

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Act 10 of 1955

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The U.P. High Speed Diesel Oil and Light Diesel Oil (Maintenance of Supplies and Distribution) Order, 1981Published vide Notification U.P. Gazette, (Extraordinary), dated 21st February, 1981, vide Notification No. 773/29-7-87 (P.P.)-800 Order-Act-10 of 1955, dated February 21, 1981In exercise of the powers under Section 3 of the Essential Commodities Act, 1955 read with S.O. 681 (E) and S.O. 682 (E), both dated November 30, 1974 of the Government of India, Ministry of Industry and Civil Supplies, and all other powers enabling him in this behalf, and with the prior concurrence of the Central Government, the Governor is pleased to make the following Order, namely-

1. Short title, extent and commencement.

- (i) This Order may be called the Uttar Pradesh High Speed Diesel Oil and Light Diesel Oil (Maintenance of Supplies and Distribution) Order, 1981.(ii)It shall extend to the whole of Uttar Pradesh.(iii)It shall come into force at once except that clause 3 shall come into force on a date to be notified separately, by the State Government in the Gazette.

2. Definitions.

- In this Order,-(a)"Act" means the Essential Commodities Act, 1955 (Act No. X of 1955);(b)"authorised officer" means the Commissioner, Food and Civil Supplies, Uttar Pradesh and includes Additional Commissioner, Food and Civil Supplies, Deputy Commissioner, Food and Civil Supplies, Assistant Commissioner, Food and Civil Supplies, Regional Food Controller, Deputy Regional Food Controller, Deputy Regional Marketing Officer, Collector, Additional Collector,

Sub-Divisional Officer, District Supply Officer and Tahsildar, authorised in writing by the Commissioner, Food and Civil Supplies, Uttar Pradesh to exercise all or any of his powers under this Order;(c)"consumer trade" means the sale of High Speed Diesel Oil and Light Diesel Oil made by an oil company direct to a consumer for the purposes of being used by such consumer in the activities in which he is engaged or in the vehicles or machinery operated by him either personally or on contract basis and not for purpose of resale;(d)"dealer" means a person engaged in the business of purchase, sale or storage for sale of High Speed Diesel Oil or Light Diesel Oil or both but does not include an Oil Company;(e)"diesel ration card" means a ration card issued under clause 11 by the Collector or an officer not below the rank of Area Rationing Officer authorised in writing in this behalf by the Collector, entitling a person to purchase High Speed Diesel Oil or Light Diesel Oil, or both;(f)"Divisional Commissioner" means the Commissioner of a Division in Uttar Pradesh;(g)"High speed diesel oil and light diesel oil" shall have the meanings respectively assigned to them in Items 8 and 9 of the First Schedule to the Central Excise and Salt Act, 1944 (1 of 1944);(h)"licensee" means a dealer holding a licence granted under the provisions of this Order and includes-(i)his representative or agent; and(ii)a transporter of truck or tank, lorry owner engaged by the dealer or an Oil Company on his behalf for transporting High Speed Diesel Oil or Light Diesel Oil from storage or selling point of an Oil Company to his place of business;(i)"licensing authority" means the Collector of the district and includes the Additional District Magistrate (Civil Supplies) and District Supply Officer;(j)"oil company" means any of the Oil Companies specified below, namely:(1)Indian Oil Corporation Ltd.(2)Hindustan Petroleum Corporation Ltd.(3)Bharat Petroleum Corporation Ltd.(4)The Indo-Burmah Petroleum Company Ltd.(k)"permit" means a permit issued under clause 12 by the authorised officer entitling a person to purchase High Speed Diesel Oil or Light Diesel Oil;(l)"retailer" means a dealer who is not a wholesaler;(m)"State Government" means the Government of Uttar Pradesh;(n)"wholesaler" in the case of Light Diesel Oil means a dealer who deals in light diesel oil exceeding 100 litres in a single transaction and in the case of High Speed Diesel Oil a dealer who sells High Speed Diesel Oil by means of dispensing pumps.

3. Licensing of dealership.

- 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.

4. Licence.

(a)For the grant or renewal of a licence an application on Form 'B' attached to this Order, shall be given to the Licensing Authority.(b)Every licence granted or renewed under this Order shall be in Form 'C' and shall be subject to the conditions specified therein.(c)An application for the renewal of licence shall be made as to reach the Licensing Authority before the date of expiry of the licence:Provided that the Licensing Authority may entertain an application within 30 days without any late fee and within further 30 days on payment of a late fee of Rs. 10 after the date on which the licence expires, if the authority is satisfied that the applicant was prevented by sufficient cause from making the application in time. No application for renewal of a licence shall be entertained after sixty days of the date of expiry of the licence under any circumstances.(d)If a licence granted under

this Order is lost, defaced mutilated or destroyed, the fact shall be intimated in writing to the Licensing Authority and the Licensing Authority may, on application in this behalf and after such enquiry as it may deem fit, issue a duplicate licence.(e)The Licensing Authority may, for reasons to be recorded in writing, refuse to grant or renew a licence. A copy of the order refusing to grant or renew the licence shall be furnished to the applicant.(f)A separate licence shall be obtained by a dealer for each separate place of business.

5. Period of licence and fee chargeable.

- Every licence granted under this Order shall be valid up to March 31, next following the date on which it is issued and may be renewed for one, two or three years at a time on payment of the fee mentioned below:

- (a) For grant of a new licence ... Rs. 25 per annum or part thereof
- (b) For renewal of licence ... Rs. 10 per annum or part thereof
- (c) For issue of duplicate licence ... Rs. 20.

6. 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 Collector a security of the value of five hundred rupees, if he is a wholesaler and one hundred rupees if he is a retailer, in such form as the Collector may direct.

7. Forfeiture of deposit.

(1)If the collector 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 of stating his case against the forfeiture, by order, forfeit the whole or any part of the security deposited by him and communicate the order to the licensee.(2)The licensee shall, if the amount of security at any time falls short of the amount specified in clause 6 forthwith deposit further security to make up that amount on being required by the Collector to do so.(3)Subject to the provisions of this Order, 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.

8. Suspension or cancellation and refusal to renew licence.

- The Licensing Authority may, for reasons to be recorded in writing, suspend or cancel any licence, if it is satisfied that the licensee has contravened any provisions of this Order or the conditions of the licence or any direction issued thereunder:Provided that the licensee shall be given reasonable opportunity of submitting his explanation before his licence is cancelled or its renewal refused or suspended otherwise than by way of suspension pending enquiry;Provided further that no order of suspension pending enquiry shall extend beyond a period of three weeks.

9. Appeal.

(1) Any person aggrieved by an order of the Licensing Authority refusing to grant or renew a licence, cancelling or suspending a licence or forfeiting the security deposited by the dealer under the provisions of this Order may, within a period of 30 days from the date of receipt of order by him, appeal to the concerned Divisional Commissioner: Provided that the Divisional Commissioner 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 he 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 Divisional Commissioner may stay the operation of the order appealed against. (4) Subject to decision in the appeal, the order of the Licensing Authority or the Collector, as the case may be, shall be final.

10. Sale of High Speed Diesel Oil and Light Diesel Oil on ration card.

- Except as provided in this Order-(a) no dealer shall sell or cause to be sold High Speed Diesel Oil or Light Diesel Oil to any person; (b) no person shall obtain or otherwise have in his possession High Speed Diesel Oil or Light Diesel Oil: Provided that this clause shall not apply in case of sales under Consumer Trade.

11. Issue of diesel ration card.

(1) A diesel ration card shall be issued in Form 'A' on application in writing made in this behalf. (2) The State Government may, from time to time, fix the quantity of High Speed Diesel Oil or Light Diesel Oil that may be supplied to a person on a diesel ration card, and different quantities may be fixed for different categories of persons. (3) In fixing the categories of persons and the quantity of High Speed Diesel Oil or Light Diesel Oil to them under this clause the State Government shall have due regard to the following matters, namely,-(a) the availability of High Speed Diesel Oil and Light Diesel Oil and the demand for the same; (b) the requirement of the consumer, having regard to the industry, business, profession, trade or calling in which he is engaged and the purpose for which High Speed Diesel Oil or Light Diesel Oil is required by him; (c) the fixation of priorities to ensure fair and equitable distribution and transport of essential commodities and smooth running of agriculture, industry in public and private sector and public transport.

12. Issue of permit.

- On an application made in writing in this behalf by any person, the authorised officer, on being satisfied that for the purpose connected with any of the matters specified in items (b) and (c) of sub-clause (3) of clause 11, it is necessary so to do, may grant a permit for the issue of such quantity of High Speed Diesel Oil or Light Diesel Oil to such person as may be considered reasonable whether or not such person holds a diesel ration card.

13. Savings, as respect inter-State transport of goods through State of Uttar Pradesh.

(1) A person operating a vehicle in connection with inter-State transport of goods through the State of Uttar Pradesh may obtain High Speed Diesel Oil not exceeding twenty-five litres from a dealer on the production of documents authorising the plying of such vehicle, in or through Uttar Pradesh for the aforesaid purpose. (2) Every dealer supplying High Speed Diesel Oil under sub-clause (1) shall maintain a separate account showing-(a) the name and address of the person to whom High Speed Diesel Oil has been issued under this clause; (b) the nature and particulars of the documents, referred to in clause (1) in the possession of such person; (c) the registration number of vehicle for which High Speed Diesel Oil has been supplied under this clause; (d) the quantity of High Speed Diesel Oil supplied. (3) Every dealer shall obtain the signature of the person to whom High Speed Diesel Oil has been supplied under sub-clause (1) and shall also make an entry in the log book, if any, maintained by such person. (4) No person obtaining High Speed Diesel Oil under this clause shall be supplied High Speed Diesel Oil in excess of twenty-five litres by any dealer otherwise than in accordance with a permit issued to him under clause 12.

14. Sale of High Speed Diesel Oil on price fixed by Oil Company.

- No dealer shall sell or cause to be sold High Speed Diesel Oil at a price exceeding the price fixed by an oil company.

15. Sale of Light Diesel Oil on price fixed by Collector.

- No dealer shall sell or offer for sale Light Diesel Oil at a price exceeding the price determined for the area by the Collector of the district.

16. Regulation of sale and supplies of High Speed Diesel Oil and Light Diesel Oil.

(1) Every dealer shall display at a conspicuous place at his business premises his working hours and a stock-cum-price board showing the opening balance of High Speed Diesel Oil of the day and the rate per litre. (2) No dealer having requisite stock shall refuse to sell High Speed Diesel Oil or Light Diesel Oil on any day during working hours to a person entitled to High Speed Diesel Oil or Light Diesel Oil in accordance with the provisions of this order. (3) Every dealer shall maintain a true and correct account of all transactions of supply of High Speed Diesel Oil or Light Diesel Oil to any person and submit statement thereof every week to the District Supply Officer of concerned district. (4) No dealer shall act in a manner prejudicial to the maintenance of supplies of High Speed Diesel Oil or Light Diesel Oil in Uttar Pradesh. (5) Every dealer shall maintain a daily sale register showing the name of the purchaser, number of diesel ration card or permit and the quantity sold. (6) Every dealer shall comply with the general or special directions not inconsistent with this Order, that may be given to him in writing by the State Government, the Commissioner, Food and Civil Supplies or the Collector for the purpose of giving effect to the provisions of this Order and any contravention of

such directions shall be deemed to be a contravention of this Order.

17. Storage limit for consumers of High Speed Diesel Oil or Light Diesel Oil.

(1) A person who is entitled to possess High Speed Diesel Oil or Light Diesel Oil in pursuance of a diesel ration card or permit issued to him shall not store or have in possession at a time High Speed Diesel Oil or Light Diesel oil in excess of the limits specified in sub-clauses (2), (3) and (4). (2) The owner of a pumping set or tube-well operated by diesel store or have in possession one hundred and fifty litres of High Speed Diesel Oil for each pumping set or tube-well: Provided that the said quantity shall not include the High Speed Diesel Oil introduced in generating set of the pump or tube well. (3) No owner or person for the time being in charge of a vehicle run on High Speed Diesel Oil including a tractor, bus and truck shall store High Speed Diesel Oil in excess of two hundred litres for every vehicle owned or possessed by him. This shall not include the Diesel in the tank of the vehicle. The capacity of such tank shall not be more than that originally fixed by the manufacturer of the vehicle. (4) Consumer other than those mentioned in sub-clauses (2) and (3) of High Speed Diesel Oil and/or Light Diesel Oil shall not store or cause to be stored at a time High Speed Oil or Light Diesel Oil in excess of quantity fixed by the Commissioner, Food and Civil Supplies, from time to time for various such categories of consumers and the quantities so fixed shall be notified in the Gazette: Provided that nothing in sub-clauses (2), (3) and (4) shall apply to the movement of stocks by a dealer or by a company or on Government account. (5) No dealer who has purchased High Speed Diesel Oil or Light Diesel Oil from an Oil Company shall use it in any manner or for any purpose otherwise than by selling it in accordance with this order.

18. Power of entry, search and seizure.

(1) The authorised officer, an Executive Magistrate, a police officer not below the rank of Sub-Inspector, a Block Development Officer, a Naib-Tahsildar and any officer of the Food and Civil Supplies Department not below the rank of Supply Inspector authorised by the authorised officer 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, vehicles or vessels in which High Speed Diesel Oil or Light Diesel Oil is stored, kept or being carried, where he has reason to believe that any contravention of the provisions of this Order has been, is being, or is about to be committed to produce any books of account or other documents, furnish such information relating to High Speed Diesel Oil or Light Diesel Oil or transactions relating thereto, as may be required; (b) enter, inspect or break open and search any place, premises, vehicles or vessels in which he has reason to believe that any contravention of the provisions of this Order has been, is being, or is about to be committed; (c) examine or seize any books of account or documents which in his opinion shall be useful for, or relevant to, any proceedings in respect of any contravention of this Order and allow the person from whose custody such books of accounts or documents are seized to make copies thereof or take extracts therefrom in his presence; (d) search, seize or remove stocks of High Speed Diesel Oil or Light Diesel Oil together with the vehicles, vessels or other container in which the same are found stored or seized in underground tanks in which the same are stored where he has reason to believe that a contravention of this Order has been committed and thereafter take or authorise the taking of all measures necessary for securing the production of such stocks and articles before the Collector or

the Judicial Authority appointed under Section 6-C of the Act, if required to do so and for their safe custody pending such production.(2)The provisions of 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 Order.

19. Representation.

(1)Any person aggrieved by any action taken or order passed under clause 18, may, within fifteen days from the date on which such action is taken or such order is communicated to him, make a representation to-(i)the Collector, in case the action is taken or order is passed by a Sub-Divisional Officer, District Supply Officer, Executive Magistrate, Police Officer, Block Development Officer or Naib-Tahsildar, as the case may be;(ii)the Judicial Authority appointed under Section 6-C of the Act, in any other case.(2)The Collector or the Judicial Authority, as the case may be, may pass such order on the representation made under sub-clause (1), as may be deemed just and proper.

20. Repeal.

- Subject to the provision of clause 21 of the Uttar Pradesh High Speed Diesel Oil (Maintenance of Supplies and Distribution) Order, 1980 is hereby repealed except in relation to cases of contravention of that Order.

21. Savings.

- Any order or determination made or action taken under the Uttar Pradesh High Speed Diesel Oil (Maintenance of Supplies and Distribution) Order, 1981 and in force shall be deemed to have been made or taken under the corresponding provisions of this Order. Form 'A' Form of Diesel Ration Card [See Clause 11 (1)] Title page (Page 1) of Diesel Ration Card 19-8 District Supply Office District.....Petroleum Product Quota Card

1. Serial No.

2. Name and full address.

3. Vehicle No.

4. Details of pumping set, etc.

5. Registration No.

6. Permit No.

19.

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19.

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7. Name of supplier Oil Company.

8. Whether applicant is holding any such licence in any other district. If so, specify.

9. Whether the applicant has ever been tried or convicted for any offence. If so, particulars thereof.

10. Number of existing licence/licences if the application is for renewal.

I/We have read the provisions of the Uttar Pradesh High Speed Diesel Oil and Light Diesel Oil (Maintenance of Supplies and Distribution) Order, 1981 and understand that the licence issued to me/us will be subject to the provisions of that order and conditions given in the licence and that any breach of conditions of the licence will amount to a breach of Order. I/We declare that to the best of my/our information and belief the above information is correct and complete.....Signature of the Applicant(s) Certificate to be furnished by Oil Company in me case of dealer appointed. Certified that the applicant has been appointed as dealer of. Oil Company forSignature of Manager Form 'C' [See Clause 4(b)] Licence granted to a dealer of High Speed Diesel Oil/Light Diesel Oil under the Uttar Pradesh High Speed Diesel Oil and Light Diesel Oil, (Maintenance of Supplies and Distribution) Order, 1981.

1. Name and parentage of licensee

2. If the licensee is a firm or an incorporated company, names and addresses of all partners or directors, as the case may be.....

3. Exact address of place of business.....

4. Date up to which licence is valid.....

The licence is granted subject to the conditions given hereinafter.....Signature of Licensing Authority
Renewal Endorsement

Date of renewal	Date of expiry	Signature of Licensing Authority	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 not,-

(i)carry on business in or store High Speed Diesel Oil/Light Diesel Oil except in the premises specified in his licence;(ii)at a time keep in the premises specified in his licence any stocks of High Speed Diesel Oil/Light diesel Oil which do not belong to him:Provided that the premises may be changed or additional premises used with the permission of the licensing authority.

3. The licensee shall make sale of High Speed Diesel Oil or Light Diesel Oil in accordance with the order issued by the Licensing Authority, from time to time.

4. The licensee shall maintain the following registers:

(i)Stock Register, showing correctly-(a)the opening stock on each day;(b)quantities received on each day and the name of supplier,(c)total quantities disposed of each day, and(d)closing balance at the end of the day,(ii)Daily Sales Register showing fully details of each sale.

5. The licensee shall issue to every customer for every sale a receipt showing the quantity sold, the rate at which sold, and the total amount charged. Similarly relevant documentation should be made for credit sales.

6. The licensee shall comply with any general or special directions issued by the Licensing Authority from time to time, in regard to the disposal of any. stocks of High Speed Diesel Oil/Light Diesel Oil held by him or in regard to the maintenance of any other records or references, as required by the Licensing Authority.

7. The licensee shall not refuse to sell or withhold from sale, any High Speed Diesel Oil/Light Diesel Oil in his possession in such quantities at such times, to such person and in such manner, as the Licensing Authority may by written order, direct.

8. The licensee shall render all reasonable facilities to persons authorised by the Licensing Authorities for inspection of premises, stock and accounts.

9. If the licensee contravenes any of the conditions of this licence or is found to have made any incorrect statement in his application for a licence or in any return submitted by him or any accounts maintained by him, his licence may be cancelled and he shall also be punishable under Section 7 of the Essential Commodities Act, 1955.