

Orissa Kerosene Control Order, 1962

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Rule ORISSA-KEROSENE-CONTROL-ORDER-1962 of 1962

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Orissa Kerosene Control Order, 1962Published vide Notification No. 24006, Orissa Gazette Extraordinary No. 707-dated 4.12.1962No. 24006. - In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 10 of 1955, read with the Notification of the Government of India in the Ministry of Mines and Fuels No. 3598, dated the 1st December, 1962, the State Government do hereby makes the following Orders, namely :

1.

(1)This Order may be called the Orissa Kerosene Control Order, 1962.(2)It shall extend to the whole of the State of Orissa.(3)It shall come into force at once.

2.

In this order, unless the context otherwise requires -(a)"Collector" includes a Deputy Commissioner of a district;[(a-1) "Consumer" means a person, firm, company, institution, association of persons, Co-operative Society or Organisation who is authorised by the Central or State Government to use Kerosene for cooking or illumination;] [Inserted by Notification No. 21278-dated 27.7.1995 (O.G.E.No. 947 dated 18.8.1995).](b)["Dealer" means a person, firm, association of persons, company, institution, organisation or a co-operative society approved by Government Oil Company or Central or State Government or a parallel marketeer and engaged in the business of buying, selling or storage for sale or distribution of Kerosene on wholesale, sub-wholesale or retail basis.] [Substituted by Notification No. 21278-dated 27.7.1995 (O.G.E.No. 947 dated 18.8.1995).](c)"Form" means a Form appended to this Order;[(c-1) "Kerosene" means a middle distillate mixture of hydrocarbons meeting B.I.S. specification No. IS-1459 of 1974 with important characteristics of flash point at a minimum of 35C and smoke point at minimum of 18 mm;] [Inserted by Notification No. 21278-dated 27.7.1995 (O.G.E.No. 947 dated 18.8.1995).](d)"Licensing authority" means the Collectors [and the Additional District Magistrates] [Substituted by Notification No. 21347-dated 6.7.1967.] within their respective jurisdictions and the State Government for the entire State;(e)[

"Government Oil Company" means- [Substituted by Notification No. 21278-dated 27.7.1995 (O.G.E.No. 947 dated 18.8.1995).](i)the Indian Oil Corporation Limited.(ii)the Bharat Petroleum Corporation Limited.(iii)the Hindustan Petroleum Corporation Limited.(iv)the I.B.P. Co. Limited.(v)the Oil and Natural Gas Commission.(vi)the Gas Authority of India Limited.(vii)the Oil India Limited; or(viii)any other Government Company or a Statutory body declared by notification to be a Government Oil Company by the Central Government for the purpose of this order.][e-1]

"Parallel Marketeer" means any person, firm, company, institution, association of persons, co-operative society or organisation carrying on the business of importing, refining, producing, packing, marketing, distributing and selling Kerosene under the parallel marketing system.

[Inserted by Notification No. 21278-dated 27.7.1995 (O.G.E.No. 947 dated 18.8.1995).][e-2]

"Parallel marketing system" means the system other than the public distribution system under which a person imports, transports, packs, distributes or sells Kerosene under his own arrangement.][f]"Registering authority" means the Controller or any other officer authorised by him in that behalf for the purposes of issuing certificates of registration to retail dealers under Clause 7;(g)"Retail dealer" means a dealer who sells kerosene to persons other than dealers;(gg)[

"Sub-wholesale dealer" means a dealer who buys Kerosene from a wholesale dealer to sell it to retail dealers.] [Inserted by Notification No. 14243-dated 30.5.1985.](h)"Wholesale dealer" means a dealer who buys kerosene to sell it to any other dealer and includes an agent of any oil company.

3. [[Substituted by Notification No. 21278-dated 27.7.1995 (O.G.E.No. 947 dated 18.8.1995).]

No person other than a wholesale dealer and a sub-wholesale dealer under parallel marketing system shall carry on business as a wholesale dealer or a sub-wholesale 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.]

4.

[(1) 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 exceeding five years at a time on an application within thirty days before the date of expiry of such licence.] [Substituted by Notification No. 16382 dated 23.5.1996 (O.G.E.No. 644 dated 24.6.1996)] [(1-A) * * *] [Omitted by Notification No. 16382 dated 23.5.1996 (O.G.E.No. 644 dated 24.6.1996).] (2) [Every licensee shall, on application to the licensing authority, immediately obtain a duplicate of the licence, if the original is lost, defaced or destroyed] [Inserted by Notification No. 18781 dated 13.8.1966.]. (3) [The fees chargeable in respect of each licence for a period of one year or per year shall be as specified below :

For issue of licence	... Rs. 600.00
For renewal of licence	... Rs. 300.00
For issue of duplicate licence	... Rs. 300.00]

[Substituted by Notification No. 16382 dated 23.5.1996 (O.G.E.No. 644 dated 24.6.1996).][* * *]
[Clauses 4-A and 4-B omitted by Notification No. 16382 dated 23.5.1996 (O.G.E.No. 644 dated 24.6.1996).]

5.

No person making an application in accordance with Clause 4 shall be refused a licence or renewal thereof -(a)If he is an agent of an oil company and the application has been submitted to the licensing authority through such company; and(b)In the case of any other person unless after giving the person concerned an opportunity of being heard and for reasons to be recorded in writing the licensing authority considers such person unsuitable for being granted a licence or renewal thereof; as the case may be.

6. [Appeal. [Substituted by Notification No. 969 dated 11.1.1999 O.G.E. No. 235 dated 12.2.1999.]

(1)Any person aggrieved by an order of the licensing authority refusing to grant or renew a licence/certificate or suspending or cancelling a licence/certificate under the provisions of this order, may within thirty days from the date of receipt of the said order, file an appeal before the State Government whose decision thereon shall be final and any appeal preferred after the expiry of the aforesaid period, may be summarily rejected.(2)No, Order shall be made by the appellate authority under this clause, unless the aggrieved person is given a reasonable opportunity of being heard.(3)Pending disposal of the appeal, the appellate authority may direct that the order of the licensing authority, against which the appeal is preferred, shall not be acted upon until the appeal is disposed of.]

7.

(1)No person [other than a retail dealer under parallel marketing system] [Inserted by Notification No. 21278-dated 27.7.1995 (O.G.E.No. 947 dated 18.8.1995).] shall carry on business as a retail dealer unless on an application accompanied with [requisite fee] [Substituted by Notification No. 16382 dated 23.5.1996 (O.G.E.No. 644 dated 24.6.1996).] deposited into Government through Treasury Challan in that behalf or he has been granted a certificate permitted him to carry on business as such dealer from the registering authority within thirty days from the date to be notified in that behalf by the Collector.(2)[Unless the Registering Authority considers the applicant] [Substituted by Notification No. 18781-dated 13.8.1966.](3)[Every certificate 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. Every application for renewal shall be submitted to the registering authority within a period of thirty days before the date of expiry of such certificates accompanied with the requisite fee deposited into Government Treasury to the credit of the State Government through Treasury Challan.] [Substituted by Notification No. 16382 dated 23.5.1996 (O.G.E.No. 644 dated 24.6.1996).]Provided that a certificate already granted under Sub-clause (1) before the issue of

this amendment the period of validity of which expires before the end of this calendar year, may for the remaining period of the year be renewed on an application made therefore accompanied with a fee of fifty paise on or before the date of expiry of the validity of the certificate sought to be renewed.(a)unsuitable for want of financial stability; or(b)unnecessary for the number of retail dealers a particular local area being in excess of the required number; or(c)carrying out the purposes of the order].(3A)[Every certificate granted under Sub-clause (1) shall unless cancelled be valid for a financial year ending on 31st day of March of the said year a part of the year in which it is issued and may be renewed for a period of one year at a time or an application in that behalf accompanied with a fees of Rs.24/- deposited into a Government Treasury to the credit of the State Government through the Treasury Challan.] [Inserted by Ori. Extraordinary Gazette No. 814-dated 12.7.1994.]Provided that the certificate which have been issued before publication of this notification in the official Gazette shall be renewed till 31st March of the succeeding year on payment of a proportionate fee as prescribed in Sub-clause (3).(4)[The fees chargeable in respect of each certificate for a period of one year or less or per year shall be as specified below :

For issue of certificate ... Rs. 150.00

For renewal of certificate ... Rs. 75.00

For issue of duplicate certificate ... Rs. 75.00]

[Substituted by Notification No. 16382 dated 23.5.1996 (O.G.E.No. 644 dated 24.6.1996).]

8. [[Substituted by Notification No. 10116-dated 18.5.1966.]

The licensing authorities shall have the power by order notified in the Gazette in respect of their respective jurisdictions -(a)to fix the price of rate at which kerosene may be sold by dealers; and(b)to regulate the storage, distribution and sale of Kerosene.Provided that where the licensing authority is the Collector no such order shall be made without the previous consent of the State Government].

9. [[Omitted by Notification No. 26308-dated 2.12.1963.]

* * *].

10. [[Substituted by Notification No. 18781-dated 13.8.1966.]

Any dealer to whom a wholesale dealers/sub-wholesale licence or a retail dealer's certificate has been granted and who contravenes any of the provisions of this Order or any direction issued thereunder or any of the conditions of the licence shall, without prejudice to any other liability that may arise under any other law for the time being in force, be liable to have his licence or his certificate cancelled or suspended by the licensing authority or the registering authority, as the case may be:Provided that no order cancelling or suspending the licence or the certificate shall be made without giving the dealer an opportunity of being heard and without recording the reasons for such order].

11. [[Substituted by Notification No. 14522-dated 24.6.1966.]

The State Government or the licensing authority may for carrying out purposes of this Order issue any direction to any dealer with regard to all matters including the purchase, sale or storage for sale or distribution of Kerosene and the dealer shall comply with such direction].

12.

The licensing authority or any other officer [appointed by the State Government in this behalf] [Substituted by Notification No. 15953-dated 21.6.1985.] 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 any of the provisions of this Order or of the conditions of any licence issued thereunder has been, is being or is about to be committed to produce any books of accounts or their documents showing transactions relating to such contravention;(b)enter, inspect or break open and search any place or premises, vehicle or vessel in which he has reason to believe that any contravention of any of the provisions of this Order or of the conditions of any licence issued thereunder has been, is being or is about to be committed;(c)take to 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 the stock of kerosene and the vehicles, vessels or other conveyances used in carrying the kerosene in contravention of the provisions of the Order, or of the conditions of the licence issued thereunder and thereafter take or authorise the taking of all measures necessary for securing the production of stocks of Kerosene and vehicles vessels or other conveyances so seized, in a Court and for their safe custody pending such production :Provided that in exercising the powers of entry and search under this Clause, due regard shall be paid by the authority concerned to the social and religious customs to be occupants of premises:Provided further that the breaking open and search of premises shall be made in the presence of two witnesses residing in the locality.

13. [[Inserted by Notification No. 28837-dated 4.11.1965.]

Nothing contained in this Order shall apply to the Oil Companies functioning in Orissa and supplying kerosene oil to Aerodromes and Railways located in Orissa and owned by Government of India and such other institutions situated in Orissa as may be notified from time to time by the State Government in this behalf.]

I

Name of the Officer	Jurisdiction
Controller of Supplies, Orissa, Joint Director of Food Supplies, Deputy Director of Food Supplies, Assistant Directors of Food Supplies, Civil Supplies Officer, Headquarters, Assistant Civil Supplies Officers, Headquarters, All Supervisors of Supplies and Inspectors of Supplies, Headquarters, Food and Civil Supplies Department, Government of Orissa.	Whole of the State of Orissa.

2. All Magistrates.

3. All Civil Supplies Officers, Assistant Civil Supplies Officers, Supervisors of Supplies and Inspectors of Supplies.

Within their respective jurisdictions.

4. All Police Officers not below the rank of Sub-Inspector of Police.

5. All Police Officers not below the rank of Sub-Inspector of Police attached to Vigilance Branch of Government of Orissa.

[Additional Commercial Tax Officer; Laxmannath Check-gate. [Inserted by SRO No. 505-dated, 14.7.1975.]

Within Balasore District

Additional Commercial Tax Officer, Girisola Check-gate.

Within Ganjam District

Additional Commercial Tax Officer, Jaganathpur Check-gate.

Within Koraput District

Additional Commercial Tax Officer, Chatua Check-gate.

Within Koraput District

Additional Commercial Tax Officer, Champua Check-gate.

Within Keonjhar District

Additional Commercial Tax Officer, Nalda Check-gate.

Within Mayurbhanj District

Additional Commercial Tax Officer, Bahalda Check-gate.

Within Mayurbhanj District

Additional Commercial Tax Officer, Jamsolaghat Check-gate.

Within Mayurbhanj District

Additional Commercial Tax Officer, Chikiti Check-gate.

Within Ganjam District

Additional Commercial Tax Officer, Sohela Check-gate.

Within Sambalpur District

Additional Commercial Tax Officer, Birmitrapur Check-gate.

Within Sundargarh District]

Form-I[See Clause 4(4)]Form of application for licence as a Wholesale [or Sub-Wholesale] [Inserted by Notification No. 14243-dated 30.5.1985.] dealer in Kerosene

1. Applicant's name and address

2. Applicant's place of business

3. How long the applicant has been trading in Kerosene

4. Quantity of Kerosene handled by the applicant during the past one year

(Quantity to be specified in Metric Measures) I declare that the following quantities of Kerosene for sale are in my possession this day, and are held at the places noted against them. Name of Place : Stocks : Variety : Quantity : I hereby certify that to the best of my knowledge the particulars given in this application are true and correct. Signature of the applicant Form II [See Clause 4(3)] Licence granted to a Wholesale [or Sub-Wholesale] [Inserted by Notification No. 14243-dated 30.5.1985.] dealer

1. Subject to the provisions of the Orissa Kerosene Control Order, 1962, and to the terms and conditions of this licence, is/are hereby authorised to deal wholesale in Kerosene.

2. The licensee shall carry on the aforesaid business at the following places.

3. The licensee shall not store Kerosene in any place other than that specified in paragraph 2 above except with the approval of the licensing authority.

4. The licensee shall maintain a register of daily accounts showing correctly all transactions of Kerosene in his possession. It shall show.

(a) The opening stock on each day. (b) The quantities and the brands received on each day showing the names of the suppliers. (c) The quantities sold, delivered or otherwise disposed of one each day showing the places of destination and the names of the consignees. (d) The closing stock on each day.

5. The licensee shall submit to the Collector of the district so as to reach him not later than the 5th of each month a true return in Form III appended to the Orissa Kerosene Control Order, 1962 of the stocks, receipts, deliveries and balance during the previous months.

[* * *] [Omitted by Notification No 10116-dated 18.5.1966.] [6] [Renumbered by Notification No 10116-dated 18.5.1966.] The licensee shall issue to every customer a correct receipt giving the name, the licence number, the date of the transaction, the quantity sold, the rate at which sold and the total amount charged, and shall keep a duplicate of the same to be available for inspection on demand by any officer authorised under Clause 12 of the Orissa Kerosene Control Order, 1962. [7] [Renumbered by Notification No 10116-dated 18.5.1966.] The licensee shall give all facilities at all reasonable

hours to any officer authorised by the State Government or the licensing authority for the inspection of the accounts and stocks wheresoever they may be kept and for taking samples of kerosene for examination.[8] [Renumbered by Notification No 10116-dated 18.5.1966.] The licensee shall comply with any directions that may be given to him by the State Government or the licensing authority in regard to the purchase, sale or storage for sale or distribution of Kerosene.[9] [Renumbered by Notification No 10116-dated 18.5.1966.] The licensee shall not have in his possession or under his control any kerosene in excess of the net quantity revealed by his account, and if any such excess quantity is not properly accounted for by the licensee it will be liable to seizure.[10] [Renumbered by Notification No 10116-dated 18.5.1966.] 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.

Form-III[See paragraph-5 of Form-III]Return of stocks, receipts and deliveries of kerosene during the month of.....Name..... Licence No.....Address.....

Particulars Variety Quantity

(1)Stock at the beginning of the month(2)Quantities received during the monthName of suppliersTotal items (1) and (2)(3)Quantities delivered or otherwise removed during the month to(a)Other licensee(b)Retail dealers(c)Others Names.....Total quantity issued...(4)Stocks at the end of the month

Press Note Orissa Kerosene Control Order, 1962(3rd December, 1962)No. Tax-Misc. 1.3/62. - It is notified for general information of the public that with a view to regulate price, distribution and storage of kerosene in the State of Orissa, the State Government have been pleased to issue an order called the Orissa Kerosene Control Order, 1962. By virtue of this Order the rates of Kerosene at which it shall be sold to the consumer will be notified from time to time and the dealers at the wholesale stage shall be licensed, on payment of a fee of Rs.10/- each. At the retail state, the dealers are required to take a certificate from the registering authority on payment of a fee of Re. 1/- only. The licensing of wholesalers and registration of retailers is not however proposed to be restored to forthwith but should any need arises for such action. Government will notify the date from which these provisions shall come into effect and the wholesaler or retailers shall have to get themselves licensed, or registered as the case may be, within a month from a date of issue of such notification. It is hoped that by these measures notwithstanding the present transport bottlenecks, the supplies that may be available to the State will be properly distributed both in the urban and mufasil areas of the State and that the places will not be inflated to the detriment of the consumers.[Orissa Kerosene Control Order, 1962-Clause 3] [Re-numbered by Notification No.10116 dated 18.5.1966.]Date Notified(The 18th September, 1965)No. 20492 - In exercise of the powers conferred by Clause 3 of the Orissa Kerosene Control Order, 1962, the State Government do hereby notify the 19th day of September, 1985 to be the date for the purpose of the said clause.PL IC. 42/86 - The State Government do hereby authorise the following Officers of Food and Civil Supplies Department to exercise the powers under the said clause within the whole of the State of Orissa.

1. Deputy Director (Market Intelligence)

2. Assistant Director (Market Intelligence)

Authorisation to the Assistant, Director, Quality Control, Food and Civil Supplies Department to exercise the power under Clause 12 of the Orissa Kerosene Control Order, 1962.(23.12.1986)S.R.O. No. 5/87 - In pursuance of Clause 12 of the Orissa Kerosene Control Order, 1962, the State Government do hereby authorise the Assistant Director, Quality Control, Food and Civil Supplies Department to exercise the powers under the said clause within the State of Orissa. The Orissa Kerosene Control Order, 1962-Clause 8 -Order under(19th April, 1982)S.R.O. No. 264/82 - In supersession of Food and Civil Supplies Department Order No. 20213-PL. IC-26/79, dated the 23rd May, 1979 as amended by Order No. 7635-PL. IC.26/79, dated the 23rd February, 1980 the State Government in exercises of the powers conferred by Clause 8 of the Orissa Kerosene Control Order, 1962 do hereby direct that no person other than a dealer or an oil company shall store or have in his possession kerosene in quantity exceeding ten litres at a time.[The Orissa Kerosene Control Order, 1962, Clause-7(1)] [The Orissa Gazette Extraordinary No. 951 dated 24.6.1982.](No. Tex. Misc. IC-1965)Certificate under Clause 7(1) of the Orissa Kerosene Control Order, 1962ToShri/M/s.....With reference to your application dated.....you are hereby permitted to carry on business in Kerosene as a Retail Dealer at.....subject to the provisions of the Kerosene Control Order, 1962.Registering AuthorityDated.....Institution of Sub-Wholesalers in K. Oil Elimination of Places where not Necessary as Per Government Instruction in Letter No. 17837 (13), dated 2.6.1975In inviting a reference to para 6 of the minutes of the meeting with the representatives of the Oil Companies held at Bhubaneswar on 17.5.1975, a copy of which has been forwarded to you in this Department Memo No. 16604 (19), dated 23.5.1975, I am directed to state that the representation of the Indian Oil Corporation in regard to the disorderly marketing of K. Oil due to the functioning of Sub-wholesalers of many places of the State has been considered carefully. Viewed absolutely, the institution of Sub-wholesalers should not exist as they either out into the profit margin of the Agent-Wholesalers or in a large number of cases, bring about an inflation in the price payable by the consumers. Yet, until such time as all the areas in the State are represented by the Agents of Oil Companies either by appointment of new agents or by opening new sales depots at suitable places, including the places where Sub-wholesalers at present function, the necessity of. Sub-wholesalers carrying stocks to places within the easy reach of the retailers in difficult to dispense with. But the functioning of any Sub-wholesalers concurrently with the Agent wholesalers of oil companies of the same station is, as stated above, not conducive to proper marketing of K. Oil nor is desirable due to the fact that the consumer in such cases is required unnecessarily to pay higher prices besides the possibility of the K.Oil being abused.

2. Therefore, pending further review of the question of adequate representations in different areas in the State by Agents of Oil Companies; Government have been pleased to decide as follows :

(a)In a place where an agent of any Oil Companies is at present functioning, the Sub-wholesaler, if any, functioning at that place shall be immediately eliminated and no further arrangement shall be made to supply K. Oil to such Sub-wholesaler from the agent of any Oil Company.(b)No new Sub-wholesaler shall be appointed hereafter at any place, except under extraordinary circumstances

and with the prior approval of Government.

3. I would request you to please give effect to the above decisions of Government with effect from 1.6.1975 and let this Department have a report on the action taken by 15.6.1975 together with a list of Sub-wholesalers (with place of business) eliminated in pursuance of this decision and a list of Sub-wholesalers retained, showing their place of business and area of operation.