

Tripura Foodstuffs Dealers' Licensing Order, 1958

TRIPURA

India

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Rule

TRIPURA-FOODSTUFFS-DEALERS-LICENSING-ORDER-1958 of 1958

- Published on 23 December 1969
- Commenced on 23 December 1969
- [This is the version of this document from 23 December 1969.]
- [Note: The original publication document is not available and this content could not be verified.]

Tripura Foodstuffs Dealers' Licensing Order, 1958 Last Updated 18th February, 2020

1. Short title, extent and commencement.

(1) This Order may be called the Tripura Foodstuffs Dealers' Licensing Order, 1958. (2) It extends to the whole of the territory of Tripura. (3) It shall come into force at once.

2. Definitions.

- In this Order, unless the context otherwise requires-(a) "Chief Commissioner" means the Administrator of the Union Territory of Tripura; (b) "dealer" means a person engaged in the business of purchase, sale or storage for sale of any one or more of the foodstuffs in any quantity whatsoever; (c) "foodstuffs" means any one or more of the foodstuffs specified in Schedule I to this Order including products of such foodstuffs; (d) "Form" means a Form set forth in Schedule II to this Order; and (e) "Licensing authority" means an officer appointed by the Chief Commissioner to exercise the powers and perform the duties of the licensing authority under this Order.

3. Licensing of dealers.

(1) No person shall carry on business as a dealer except under and in accordance with the terms and conditions of a licence issued in this behalf by the licensing authority. (2) For the purpose of this clause, any person who stores any foodstuffs in excess of the quantities mentioned below, at any one time shall, unless the contrary is proved, be deemed to store the same for the purpose of sale :

Salt 10 Kilograms.

Mustard oil 10 Kilograms.

Pulses 50 Kilograms.

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 licence issued or renewed under this Order shall be in Form 'B'.

5. Period of licence and fees chargeable.

(1) Every licence granted under this Order shall be valid for a period ending the 31st December of the year in which it is issued and may be renewed for a period of one year at a time. (2) The fees specified below shall be chargeable in respect of each licence, namely :

For issue of licence.	Rs. 5
For renewal of licence.	Rs. 2
For issue of duplicate licence.	Rs. 10
For filing an application for renewal after the licensed year, late fee for every month or part thereof.	Re. 1

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

6. Power to refuse licence.

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

7. Contravention of conditions of licence.

- No holder of a licence issued under this Order, shall contravene any of the terms or conditions of the licence and if any such holder contravenes any of the said terms or conditions, then without prejudice to any other action that may be taken against him, his licence may be cancelled or suspended by order in writing of the licensing authority : Provided that no order shall be made under this clause unless the licensee has been given a reasonable opportunity of stating his case against the proposed cancellation or suspension.

8. Appeal.

(1) Any person aggrieved by any order of the licensing authority refusing to grant or renew a licence or cancelling or suspending a licence under the provisions of this Order may appeal to the Chief Commissioner within 30 days of the date of the receipt by him of such order. (2) No order shall be made under this clause unless the aggrieved person has been given a reasonable opportunity of stating his case.

9. Powers of entry, search, seizure, etc.

(1)The licensing authority or any other officer authorised by the Chief Commissioner 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, vehicle or vessel in which he has reason to believe that any contravention 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 book, accounts or other documents showing transactions relating to such contraventions ;(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 the provisions of this Order or of conditions of any licence issued thereunder, 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 contraventions which are produced before him;(d)search, seize and remove stocks of foodstuffs and the animals, vehicles, vessels or other conveyances used in carrying the said foodstuffs in contravention of the provisions of this Order, or of the conditions of the licences issued thereunder and thereafter take or authorise the taking of all measures necessary for securing the production of stocks of foodstuffs and the animals, vehicles, vessels or other conveyances so seized, in a court and for their safe custody pending such productions.(2)The provisions of Sections 102 and 103 of the Code of Criminal Procedure, 1898, [Now Code of Criminal Procedure, 1973] relating to search and seizure shall, so far as may be, apply to searches and seizure under this clause.

I

1. Salt.

2. Pulses.

3. Mustard Oil.

II

Form A[See Clause 4 (1)]Application for licence

1. Applicant's name.....

2. Applicant's profession

3. Applicant's residence

- 4. Situation of applicant's place or places of business with particulars as to number of house, mohalla, town or village, police station and district.....**
- 5. How long the applicant has been trading in foodstuffs.....**
- 6. Did the applicant hold a foodstuffs licence on any previous occasions ? (If so, give particulars including its suspension or cancellation, if any).....**
- 7. Quantities of each foodstuffs handled annually during the last three years.....**
- 8. Quantity of foodstuffs likely to be handled.....**
- 9. Income-tax paid in the two years preceding the year of application (to be indicated separately)-
(1).....(2).....**
- 10. Quantity of foodstuffs in the possession of the applicant on the date of application and the places at which the different quantities are kept (separate figures are to be given for each foodstuffs).....**

I declare that the quantities of foodstuffs specified above are in my possession this day and are held at the places noted against them. I have carefully read the conditions of licence given in Form B appended to the Tripura Foodstuffs Dealers' Licensing Order, 1958, and I agree to abide by them. (a) [I have not previously applied for such licence in the district for foodstuffs. [Strick of the clause not applicable.](b)I applied for such licence in this district for.....on.....and was/was not granted a licence on.....(c)I hereby apply for renewal of licence No.....dated.....issued to me on.....]Place.....Date.....Signature of the Applicant. Form B[See Clause 4 (2)]Licence for purchase, sale/storage for sale of foodstuffsLicence No.....

- 1. Subject to the provisions of the Tripura Foodstuffs Dealers' Licensing Order, 1958, and to the terms and conditions of this licence... is/are hereby authorised to purchase, sell, or store for sale, the undermentioned foodstuffs :**
- 2. The licensee shall carry on the aforesaid business at the following place(s):**

3. (i) The licensee shall, except when specially exempted by the Chief Commissioner or by the licensing authority in this behalf, maintain a register of daily accounts for each of the foodstuffs mentioned in paragraph 1, showing correctly-

(a)the opening stock on each day ;(b)the quantities received on each day showing the place from where and the source from which received ;(c)the quantities delivered or otherwise removed on each day showing the places of destination; and(d)the closing stock on each day.(ii)The licensee shall complete his accounts for each day on the day to which they relate, unless prevented by reasonable cause the burden of proving which shall be upon him.(iii)A licensee who is a producer himself shall separately show the stock of his own produce in the daily account, if such stocks are stored in his business premises.

4. The licensee shall, except when specially exempted by the Chief Commissioner or by an officer authorised by the Chief Commissioner in this behalf, submit to the licensing authority concerned a true return, in Form C of the stocks, receipts and deliveries of each of the foodstuffs every fortnight (1st to 15th and 16th to the end of the month) so as to reach him within three days after the close of the fortnight.

5. The licensee shall except when specially exempted by the Chief Commissioner or by the licensing authority in this behalf, issue to every customer, a correct receipt of invoice, as the case may be, by giving his own name, address and licence number, the name, address and licence number (if any) of the customer, the date of transaction, the quantity sold, the price per quintal 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 it in this behalf.

6. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorised by him or the Chief Commissioner for the inspection of his stocks and accounts at any shop, godown or other place used by him for the storage, sale or purchase of foodstuffs and for the taking of samples of foodstuffs for examination.

7. The licensee shall comply with any direction that may be given to him by the Chief Commissioner or licensing authority or any other officer authorised by him in regard to purchase, sale and storage for sale, of foodstuffs and in regard to the language in which the register, returns, receipts or invoices

mentioned in paragraphs 3, 4, or 6 shall be written and the authentication and maintenance of the register mentioned in paragraph 3.

8. This licence shall be attached to any application for renewal.

9. This licence shall be valid up to.....

Signature of the Officer issuing the licence Place..... Date..... Form C [See Condition 5 of Form B] Returns of stocks, receipts and sales of foodstuffs for the fortnight ending 20. Name..... No. of licence..... Address..... Particulars of godowns where stock held-

Variety of the foodstuffs Particulars Quantity in quintals Remarks, if any

1. Stocks at the beginning of the fortnight-

(a) Actually with the stockist - (b) Pledged with any person or institution such as a bank or Co-operative Society..... Total

2. Quantity purchased during fortnight and source of supply.....

Total

3. Quantity sold-

(a) Quantity sold and delivered/removed during the fortnight..... Total (b) Quantity sold but not yet delivered Total

4. Stock at the end of the fortnight-

(a) Actually with the stockists (i) unsold (ii) sold but awaiting delivery..... (b) pledged with any other person or institution such as a bank or a Co-operative Society..... Total To. The Licensing authority :..... District Place..... Date..... Delegation of Powers (A) The Director, Food and Civil Supplies, has been appointed by the State Government to act as the Licensing Authority for the whole of Tripura vide Order No. F. 3 (109) FSD/58, dated 23-12-1969 of the Food and Civil Supplies, Government of Tripura. (B) Deputy Collectors (S.D.O.) and Sub-Deputy Collectors (A.S.D.O.) have been authorised by the State Government to act as Licensing Authority within their jurisdiction of the respective Civil (Revenue) Sub-divisions in Tripura vide order No. F. 3 (109)-FSD/58, dated 10-2-1967 of the Food and Civil Supplies Department, Government of Tripura. (C) The following Officers have been authorised by the State Government to discharge the functions defined in Clause 9 of the Tripura Foodstuffs Dealers' Licensing Order, 1958 within their respective jurisdictions as written against each Order No. F. 3 (109)- FSD/58, dated 25- 11-1958, : and No. F. 3 (109)-FSD/58-A, dated 28- 3-1963 of the Food and Civil Supplies Department, Government of

Tripura :

1. Sub-Deputy Collector attached to Food and Civil Supplies Organisation. Whole of Tripura.
2. All Circle Officers. Within the jurisdiction of the Revenue Sub-Divisions the Officer is posted in.
3. All Police Officers of and above the rank of A.S.I. Within the respective jurisdictions