

The U.P. Essential Commodities (Display of Prices and Stocks and Control of Supply and Distribution) Order, 1977

UTTAR PRADESH

India

The U.P. Essential Commodities (Display of Prices and Stocks and Control of Supply and Distribution) Order, 1977

Rule

THE-U-P-ESSENTIAL-COMMODITIES-DISPLAY-OF-PRICES-AND-STOCKS-AND-CONTROL-OF-SUPPLY-AND-DISTRIBUTION-ORDER-1977

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The U.P. Essential Commodities (Display of Prices and Stocks and Control of Supply and Distribution) Order, 1977Published vide Notification U.P. Gazette (Extraordinary), dated 19th September, 1977, vide Notification No. 3915/29-A-V-1-64-EC-77, dated 19.9.1977

1. Short title, commencement and extent.

(1)This Order may be called the Uttar Pradesh Essential Commodities (Display of Prices and Stocks and Control of Supply and Distribution) Order, 1977.(2)It shall come into force at once.(3)It extends to the whole of Uttar Pradesh.

2. In this Order, unless the context otherwise requires.

(a)"wholesaler" means a person engaged in the business of purchase, sale or storage for sale of any Scheduled commodity by wholesale and includes his representative or agent;(b)"retailer" means a person engaged in the business of purchase, sale or storage for sale of any Scheduled commodity by retail and includes his representative or agent;(c)"distributor" means a person engaged in the distribution of a scheduled commodity to the wholesaler or retailer;(d)"enforcement officer" means the Commissioner, Food and Civil Supplies, U.P. and Additional Commissioner, the Deputy Commissioner, the Assistant Commissioner, Food and Civil Supplies, U.P., the District Magistrate, the Additional District Magistrate, Sub-Divisional Magistrate, District Supply Officer, Chief

Marketing Officer, Regional Food Controller, Deputy Regional Food Controller, Regional Marketing Officer or Deputy Regional Marketing Officer, and includes any other gazetted officer authorised by the District Magistrate to Exercise the powers and perform the functions of enforcement officer under this Order;(e)"Manufacturer or producer" means a person engaged in the business of manufacture or production of a scheduled commodity;(f)"scheduled commodity" means any of the commodities specified in the Schedule.

3. Exhibition of price list and stocks by wholesalers.

(1)Every wholesaler shall before commencement of his business on any day exhibit at any entrance or some other prominent place of his business, the wholesale price list of different classes or varieties of scheduled commodities actually held in stock by him for sale as fixed or approved by the Central or State Government, if any, or as fixed by the manufacturer, producer or distributor, and where no such price is fixed or approved by the Government or fixed by the manufacturer, producer or distributor, the price (inclusive of all taxes), at which the scheduled commodities are offered for sale by the wholesaler.(2)The price list shall-(a)indicate separately the wholesale prices of different classes or varieties of scheduled commodities;(b)bear the signature of the wholesaler; and(c)be legibly written in bold letters in Hindi Language in Devanagri script.(3)Separate price list shall be prepared for-(i)scheduled commodities, the prices of which are fixed or approved by the Central or State Government;(ii)scheduled commodities, the price of which are fixed by the manufacturer, producer, distributor;(iii)scheduled commodities not covered by sub-clauses (i) and (ii) above.(4)Every wholesaler shall intimate to the District Magistrate or the District Supply Officer, the place where any class or variety of scheduled commodity is stored by him and shall display at the entrance thereof the name of the owner and the commodity or commodities stored therein.(5)Every wholesaler shall in the like manner exhibit a separate list showing correctly different classes or varieties of scheduled commodities actually held in stock by him at any time:Provided that in the case of scheduled commodities specified by the State Government, it shall be deemed sufficient for the purposes of display of stock of such commodities if the fact of availability or non-availability in stock of such commodities is indicated in the list by writing 'Yes' or 'No' against them.

4. Exhibition of price list and stock by retailers.

(1)Every retailer shall before commencement of his business on any day exhibit at the entrance or some other prominent place of his business premises the retail price of different classes or varieties of scheduled commodities actually held in stock by him for sale as fixed or approved by the Central or State Government, if any, or as fixed by the manufacturer, producer or distributor and where no such price is fixed or approved by the Government or fixed by the manufacturer, producer or distributor the price (inclusive of all taxes) at which the scheduled commodity is offered for sale by the retailer.(2)The price list shall-(a)indicate separately the retail prices of different classes or varieties of scheduled commodities;(b)bear the signature of the retailer; and(c)be legibly written in bold letters in Hindi language in Devanagri script.(3)Separate price lists shall be prepared for-(i)scheduled commodities, the prices of which are fixed or approved by the Central or State Government;(ii)scheduled commodities, the price of which are fixed by the manufacturer, producer or distributor;(iii)scheduled commodities not covered by sub-clauses (i) and (ii) above.

5. Charging of price.

- A wholesaler or a retailer shall not charge in respect of a sale of any scheduled commodity by him wholesale or retail price as the case may be in excess of that calculated-(a)at the price, if any, fixed by the Central or State Government;(b)when there is no controlled price as mentioned in sub-clause (a) and when the rate in respect of sale by such wholesaler or retailer is fixed by the manufacturer or producer or distributor at the rate so fixed;(c)in case of scheduled commodity not covered by sub-clauses (a) and (b), the price mentioned in the price list for such commodities referred to in clause 3 (1) or clause 4 (1) as the case may be.

6. Wholesaler or retailer not to withhold from sale.

- A wholesaler or retailer shall not withhold from sale any scheduled commodity held in stock by him for sale:Provided that the State Government or subject to any directions of State Government, the District Magistrate may by general or by special order and subject to such conditions or restrictions, if any, as may be specified, allow any society, employer, institution or other person to give preference to its or his members, employees, inmates or other restricted category of persons in the sale of any scheduled commodity or to restrict the sale thereof to such persons.

7. Issue of receipt or invoice, etc.

(1)A wholesaler shall issue to every purchaser a correct receipt or invoice showing the name and address of the purchaser, the date of transaction, the goods sold, their quantity, the rate and total amount charged.(2)A retailer shall issue to every purchaser a correct receipt or invoice showing the date of transaction, the goods sold, their quantity, the rate and total amount charged.(3)A wholesaler or retailer shall keep the counterfoils or duplicates of the receipts or invoices referred to in sub-clauses (1) and (2) in the form of a book available for inspection:Provided that it will not be necessary to keep a book after the expiry of one year from the date of the receipt or invoice is issued from the book.(4)Notwithstanding anything in sub-clause (i) it shall not be necessary to issue a receipt or invoice, unless demanded, in case the total amount charged from a purchaser does not exceed rupees five in respect of one scheduled commodity and rupees ten in the aggregate for two or more scheduled commodities.

8. Maintenance and production of account books, stock register, etc. for inspection.

(1)Every wholesaler shall maintain account books, stock register and such other records relating to his business as the State Government may, from time to time, direct and keep them posted up to date and shall furnish such information in respect thereof to the Enforcement Officer as the Enforcement Officer may require.(2)Every retailer shall maintain such records relating to his business as the State Government may, from time to, time, direct and keep them posted up-to-date and shall furnish such information in respect thereof to the Enforcement Officer as the Enforcement Officer may require.(3)Every wholesaler or retailer shall produce account books, stock register and

other records referred to in sub-clauses (1) and (2) for inspection, if and when demanded by the Enforcement Officer.

9. Regulation of Supply and Distribution.

(1)The State Government may by order regulate the distribution of a scheduled commodity by any manufacturer, producer or distributor in such supply area or areas and in such manner as may be specified.(2)Every manufacturer, producer or distributor shall comply with any directions issued by the State Government under sub-clause (1).(3)Without prejudice to sub-clause (2) every manufacturer, producer or distributor shall supply such information as may be required by the State Government in respect of supply and distribution of the scheduled commodities.(4)Every distributor, wholesaler or retailer shall on receipt of scheduled commodity supplied by any manufacturer, producer or distributor, as the case may be, 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 direction issued by the enforcement officer in this behalf.

10. Powers of entry, search and seizure etc.

(1)The enforcement officer or any other gazetted officer not below the rank of Area Rationing Officer authorized by the enforcement officer 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 transaction 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 this order has been, is being, or is about to be committed;(c)examine and seize any account books, stock register and other documents which in his opinion would be useful for, or relevant to any proceedings in respect of any contravention of this Order and return such accounts books, stock register and other documents to the person from whom they were seized after copies thereof or extracts therefrom, certified under his hand, have been taken;(d)[Seize] [Inserted by (First Amendment) Order, 1978, vide Notification No. 30 40/XXIX-A-V-1-64-(EC-77, dated 18.3.1978.), confiscate and dispose of any essential commodity, package, covering or receptacle in which such essential commodity is found or any animal, vehicle, vessel or other conveyance used in carrying such essential commodity in accordance with the provisions of Section 6-A of the Essential Commodities Act, 1955 (Act No. X of 1955).(2)Provisions of Section 100 of the Code of Criminal Procedure, 1973 (Act No.2 of 1974), relating to searches and seizures shall, so far as may be, apply to searches and seizures under this Order.

Schedule

[See Clause 2(f)][* * *] [Omitted by Notification No. Bha. Sa.-127/XXIX-Kha-11/101/90, dated 18th December, 1991.]

1. Wheat

2. Rice

3. [* * *] [Omitted by Notification No. 1127/XXIX-Food-11-93-101-90, dated 21st April, 1993.]

4. Atta of wheat and

5. Pulses.

6. [* * *] [Omitted by Notification No. 1127/XXIX-Food-11-93-101-90, dated 21st April, 1993]

7. Vanaspati.

8. Other edible oils.

9. Salt.

10. Sugar.

11. [* * *] [Omitted by Notification No. Bha. Sa.-127/XXIX-Kha-11/101/90, dated 18th December, 1991]

12. Soft Coke.

13. Kersene Oil.

14. [* * *] [Omitted by Notification No. Bha. Sa.-127/XXIX-Kha-11/101/90, dated 18th December, 1991]

15. [* * *] [Omitted by Notification No. 1127/XXIX-Food-11-93-101-90, dated 21st April, 1993]

16. Tea.

17. [* * *] [Omitted by Notification No. 1127/XXIX-Food-11-93-101-90, dated 21st April, 1993]
18. [* * *] [Omitted by Notification No. Bha. Sa.-127/XXIX-Kha-11/101/90, dated 18th December, 1991]
19. [* * *] [Omitted by Notification No. Bha. Sa.-127/XXIX-Kha-11/101/90, dated 18th December, 1991]
20. [* * *] [Omitted by Notification No. Bha. Sa.-127/XXIX-Kha-11/101/90, dated 18th December, 1991]
21. [* * *] [Omitted by Notification No. Bha. Sa.-127/XXIX-Kha-11/101/90, dated 18th December, 1991]
22. [* * *] [Omitted by Notification No. Bha. Sa.-127/XXIX-Kha-11/101/90, dated 18th December, 1991]
23. [* * *] [Omitted by Notification No. Bha. Sa.-127/XXIX-Kha-11/101/90, dated 18th December, 1991]
24. [* * *] [Omitted by Notification No. Bha. Sa.-127/XXIX-Kha-11/101/90, dated 18th December, 1991]
25. Paper including exercise books.
26. [* * *] [Deleted by Notification No. Bha.-Sa.-52/XXIX-Kha-11-101-90-dated 14th August, 1991]
27. [* * *] [Deleted by Notification No. Bha.-Sa.-52/XXIX-Kha-11-101-90-dated 14th August, 1991]
28. Cement.
29. Petrol.
30. High Speed Diesel Oil including Light Diesel Oil.

- 31. [* * *] [Omitted by Notification No. 1127/XXIX-Food-11-93-101-90, dated 21st April, 1993]**
- 32. [* * *] [mitted by Notification No. 1127/XXIX-Food-11-93-101-90, dated 21st April, 1993]**
- 33. [* * *] [Omitted by Notification No. 1127/XXIX-Food 11-93-101-90, dated 21st April, 1993, published in U.P. Gazette, (Extraordinary), Part 4, Section (Kha), dated 21st April, 1993]**
- 34. [* * *] [Omitted by Notification No. 1127/XXIX-Food 11-93-101-90, dated 21st April, 1993, published in U.P. Gazette, (Extraordinary), Part 4, Section (Kha), dated 21st April, 1993]**
- 35. Deshi Ghee.**
- 36. Stainless Steel Utensils.**
- 37. [* * *] [Omitted by Notification No. 1127/XXIX-Food 11-93-101-90, dated 21st April, 1993, published in U.P. Gazette, (Extraordinary), Part 4, Section (Kha), dated 21st April, 1993]**
- 38. [* * *] [Omitted by Notification No. 1127/XXIX-Food 11-93-101-90, dated 21st April, 1993, published in U.P. Gazette, (Extraordinary), Part 4, Section (Kha), dated 21st April, 1993]**