

# **The U.P. Scheduled Commodities Dealers (Licensing and Restriction on Hoarding) Order, 1989**

UTTAR PRADESH

India

## **The U.P. Scheduled Commodities Dealers (Licensing and Restriction on Hoarding) Order, 1989**

### **Rule**

### **THE-U-P-SCHEDULED-COMMODITIES-DEALERS-LICENSING-AND-RE of 1989**

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The U.P. Scheduled Commodities Dealers (Licensing and Restriction on Hoarding) Order, 1989Published vide Notification U.P. Gazette, (Extraordinary), Part 4, section (Kha), dated 31st August, 1989, vide Notification No. 2349/29-11-44-88, dated 31st August, 1989Whereas the State Government is of the opinion that it is necessary and expedient so to do for securing the equitable distribution and availability of scheduled commodities at fair prices;Now, therefore, in exercise of the powers under Section 3 of the Essential Commodities Act, 1955 (Act No. 10 of 1955), read with the Government of India, Ministry of Agriculture and Irrigation (Department of Food), Notification No. G.S.R. 800, dated June 9, 1978 issued under Section 5 of the said Act and all other powers enabling him in this behalf and with prior concurrence of the Central Government, the Governor is pleased to make the following Order, namely:

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

(1)This Order may be called the Uttar Pradesh Scheduled Commodities Dealers (Licensing and Restriction on Hoarding) Order, 1989.(2)It extends to the whole of Uttar Pradesh.(3)It shall come into force at once.(4)Nothing in this Order shall apply to-(a)The Food Corporation of India;(b)The Uttar Pradesh State Food and Essential Commodities Corporation;(c)Any Corporation established by the Central or the State Government for the development of seeds;(d)Any person-(i)who stores foodgrains, pulses or oilseeds produced by him by personal cultivation; and(ii)who is not engaged in the business of purchase and sale of foodgrains, pulses or oilseeds;(e)Any industrial undertaking which is engaged in the manufacture or production of vacuum pan factory sugar or open pan Khandsari Sugar, or gur which is registered or licensed under the Industries (Development and

Regulation) Act, 1951;(f)The Central or the State Government departments;(g)Any Authorised Retail Distributor appointed under the Uttar Pradesh Scheduled Commodities (Regulation or Distribution) Order, 1989;(h)[ The Uttar Pradesh State Employees Welfare Corporation.] [Inserted by Notification No. Bha. Sa.-20/XXIX-1-130-89, dated 21th July, 1990, published in U.P. Gazette, (Extraordinary), Part 4, section (Kha), dated 25th July, 1990.]

## 2. Definitions.

- In this Order, unless the context otherwise requires -(a)[ "Bulk-consumer" means a dealer who purchases or stores Scheduled Commodities in quantities specified in sub-clause (d) for consumption in preparation of other products but does not sell Scheduled Commodities as such;] [Inserted by Notification No. 1961/XXIX-Kha-11-Compo.-77-90, dated 24th July, 1993.](aa)[ [Re-numbered as clause (aa), by Notification No. 1961/XXIX-Kha-11-Compo.-77-90, dated 24th July, 1993.] "Category A City" means a city specified as such in column one of Schedule III;(b)"Category B City" means a city specified as such in column two of Schedule III;(c)"Commission agent" means a person who carries on the business of purchase, sale and storage for sale on behalf of any other person for commission;(d)"Dealer" means a person who carries on the business of purchase or sale or storage for sale on any day of scheduled commodities in quantities specified below:(1)(i)Foodgrains of any one kind - 10 quintals or more;(ii)Foodgrains of all kinds taken together - 59 quintals or more.(2)Pulses of all kinds taken together - 10 quintals or more;(3)Oilseeds of all kinds taken together (including groundnut in shell) - 30 quintals or more;(4)Edible oils of all kinds taken together (including hydrogenated vegetable oils) - 5 quintals or more;(5)Sugar - 10 quintals or more;[(5-a) Khandsari Sugar - 10 quintals or more] [Inserted by Notification No. 2678/XXIX-Kha-11-Compo.-74-90, dated 23rd August, 1991, published in U.P. Gazette, (Extraordinary), Part 4, section (Kha), dated 23rd August, 1991.];(6)Gur - 10 quintals or more:[Provided that during the period ranging from the date of commencement of the Uttar Pradesh Scheduled Commodities Dealers (Licensing and Restriction on Hoarding) (Seventh Amendment) Order, 1992, till August 15, 1992 for the words and figures "Gur - 10 quintals or more", the words and figures "Gur - 20 quintals or more" shall be substituted] [Inserted by Notification No. 2220/XXIX-Khadya-11-Compo.-La-67-90, dated 8th July, 1992 published in U.P. Gazette, (Extraordinary), Part 4, section (Kha), dated 9th July, 1992.].(dd)[ "Depot-holder" means a person carrying on business of storing and selling Scheduled Commodity through a depot;] [Inserted by Notification No. 3401/XXIX-Kha-11-Compo.-19-89, dated 26th November, 1990, published in U.P. Gazette, (Extraordinary), Part 4, section (Kha), dated 26th November, 1990.](e)"Enforcement Officer" means the Commissioner, Additional Commissioner, Deputy Commissioner, Assistant Commissioner, and the Chief Marketing Officer, Food and Civil Supplies Department, Uttar Pradesh, [Deputy Director(Food and Civil Supplies), Revenue and Special Intelligence Directorate, Uttar Pradesh Secretariat, the District Magistrate] [Substituted by Notification No. 1431/XXIX-Kha-11-Compo.-36-89, dated 26th July, 1990, published in U.P. Gazette, (Extraordinary), Part 4, section (Kha), dated 26th July, 1990, for 'the Deputy Magistrate'.], Executive Magistrate, Tahsildar, the Regional Food Controller, Deputy Regional Food Controller, Regional Marketing Officer, Deputy Regional Marketing Officer, Assistant Regional Food Controller, Senior Marketing Inspector, Marketing Inspector, Assistant Marketing Inspector, District Supply Officer, Town Rationing Officer, Deputy Town Rationing Officer, Area Rationing Officer, Senior

Supply Inspector, Supply Inspector, and a Police Officer not below the rank of Sub-Inspector within the limits of their respective jurisdiction, a Police Officer not below the rank of Sub-Inspector attached to the Commissioner, Food and Civil Supplies, Uttar Pradesh, and a Police Officer not below the rank of Sub-Inspector of the flying squad of Food Department;(f)"Existing Licence" means a subsisting licence issued under the Uttar Pradesh Foodgrains Dealers (Licensing and Restriction on Hoarding) Order, 1976, or the Uttar Pradesh Sugar and Gur Dealers Licensing Order, 1962, or the Uttar Pradesh Pulses (Licensing and Storage Control) Order, 1979, or the Uttar Pradesh Oil-seeds and Oil-seed Products Control Order, 1960;(g)"Form" means a form set forth in Schedule II;(h)"Licence" means licence granted under this Order;(i)"Licensee" means a person holding a valid licence under this Order;(j)[ "Licensing Authority" means an officer appointed in writing by the State Government to exercise the powers and perform duties of the licensing authority under this Order;] [Substituted by Notification No. 1987/XXIX-Kha-11-Compo.-72-90, dated 23rd August, 1990, published in U.P. Gazette, (Extraordinary), Part 4, section (Kha), dated 23rd August, 1990.](k)"Mandi" means a Mandi specified in the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964;(l)"Manufacturer" means a person carrying on the business of milling or processing of foodgrains or manufacturing any food stuffs therefrom;(m)"Producer" means a person carrying on the business of pulses or oils-(i)by buying pulses for being processed or oil-seeds or oils for being expelled, extracted, manufactured or refined by himself and selling the finished product to a wholesaler or through a commission agent [or a depot-holder] [Inserted by Notification No. 3401/XXIX-Kha-11-Compo.-19-89, dated 26th November, 1990, published in U.P. Gazette (Extraordinary), Part 4, section (Kha), dated 26th November, 1990.]; or(ii)by doing any such processes on behalf of another;(n)"Regional Food Controller" means includes an Officer authorised in writing by the Regional Food Controller to perform any of his functions under this Order;(o)"Retailer" means a dealer who sells to any one customer at one time, not more than-(i)one quintal of any one kind of foodgrains or pulses; or(ii)seventy five kilograms of any one kind of oil-seeds or 15 kilograms of any one kind of edible oil; or(iii)one quintal of any one kind of Sugar [or Khandsari Sugar] [Inserted by Notification No. 2678/XXIX-Kha-11-Compo.-74-90, dated 23rd August, 1991, published in U.P. Gazette (Extraordinary), Part 4, section (Kha), dated 23rd August, 1991.] or Gur;(p)"Schedule" means a Schedule appended to this Order;(q)"Scheduled Commodity" means any of the commodities specified in Schedule I;(r)"State Government" means the Government of Uttar Pradesh;(s)"Wholesaler" means a dealer who at any one time sells to any one person-(i)[ one quintal or more of any kind of foodgrain and when sold in packages of Wheat product, Pulses and Basmati rice, in any quantity; or] [Substituted by Notification No. 4067/XXIX-Kha-9-Compo. La. 26-94, dated 16th December, 1996, published in U.P. Gazette (Extraordinary), Part 4, section (Kha), dated 16th December, 1996.](ii)seventy five kilograms or more of any one kind of oilseeds or 15 kilograms or more of one kind of edible oil; or(iii)one quintal or more of any one kind of Sugar [or Khandsari Sugar] [Inserted by Notification No. 2678/XXIX-Kha-11-Compo.-74-90, dated 23rd August, 1991, published in U.P. Gazette (Extraordinary), Part 4, section (Kha), dated 23rd August, 1991.] or Gur.

### **3. Licensing of dealers and Commission Agent.**

(1)No person shall carry on business as a dealer or a Commission Agent or a manufacturer or a producer [or a depot-holder] [Inserted by Notification No. 3401/XXIX-Kha-11-Compo.-19-89, dated

26th November, 1990, published in U.P. Gazette (Extraordinary), Part 4, section (Kha), dated 26th November, 1990.] [or shall purchase or store Scheduled Commodity as a bulk-consumer] [Inserted by Notification No. 1961/XXIX-Kha-11-Compo.-77-90, dated 24th July, 1993.] without obtaining a licence under this Order: Provided that an existing licence shall be valid during the period of 90 days from the commencement of this Order, or the period of validity of such licence whichever expires earlier. (2) No person holding a licence for wholesaler (in Form 'B') or Commission Agent (in Form 'E') or both issued in his own name or in the name of the firm in which he is a partner [or holding a licence for bulk-consumer (in Form 'F')] [Inserted by Notification No. 1961/XXIX-Kha-11-Compo.-77-90, dated 24th July, 1993.] may simultaneously hold a licence for retailer in Form 'D').

#### 4. Issue of Licence.

- [(1) Every application for a licence shall be made to the Licensing Authority in Form 'A' and the Licensing Authority shall take decision in this respect within thirty days.] [Substituted by Notification No. Bha. Sa.-151/XXIX-Kha-11-Compo.-La. 80-91, dated 21st January, 1992, published in U.P. Gazette, (Extraordinary), Part 4, section (Kha), dated 21st July, 1992.] (2) Every licence under this Order shall be in Form 'B' in the case of a wholesaler, manufacturer or producer, in Form 'D' in the case of a retailer and in Form 'E' in the case of a Commission Agent, [and in Form 'F' in the case of a bulk-consumer.] [Inserted by Notification No. 1961/XXIX-Kha-11-Compo.-77-90, dated 24th July, 1993.]

#### 5. [ One-time licence and fees. - (1) A licence granted under this Order shall be one-time licence and shall be valid unless cancelled by the Licensing Authority under this Order:

Provided that a licence granted before the commencement of the Uttar Pradesh Scheduled Commodities Dealers (Licensing and Restriction on Hoarding) (Nineteenth Amendment) Order, 1993 shall be valid for a period for which it is granted and if the licensee at his option applies for one-time licence before the expiry of period of validity of the existing licence, in that case, the proportionate fee of the remaining period of the existing licence shall be adjusted towards the fee prescribed for one-time licence. (2) The fees specified below shall be payable along with the application in Form 'A'.

	For issuing a LicenceRs.
(i) in Form 'B' (wholesaler, producer, depot-holder or manufacturer)	3000
(ii) in Form 'E' (Commission Agent)	2250
(iii) [ in Form D' (Retailer) [Substituted by Notification No. 3157/XXIX-Kha-9-93-Compo.-La-4-93, dated 29th October, 1993.]	625] [Substituted by Notification No. 3157/XXIX-Kha-9-93-Compo.-La-4-93, dated 29th October, 1993.]

[iv] in Form 'F' (Bulk-Consumer) [Inserted by Notification No. 1961/XXIX-Kha-11-Compo.-77-90, dated 24th July, 1993.] 3000.] [Inserted by Notification No. 1961/XXIX-Kha-11-Compo.-77-90, dated 24th July, 1993.]

(3)A separate licence shall be obtained by a dealer or commission agent as the case may be for each place of business:Provided that no new licence shall be required for any change of business or godowns. The new premises shall be recorded in the same licence by the licensing authority.(4)A duplicate licence may be issued on payment of Rs. 150 on proof of its loss, destruction and defacement on application by the licensee.] [Substituted by Notification No. Bha. Sa.-14/XXIX-Khadya-11-44-88, dated 29th April, 1993, published in U.P. Gazette, (Extraordinary), Part 4, section (Kha), dated 29th April, 1993.]

## 6. Deposit of security.

- Every person applying for a licence shall before the licence is issued to him deposit with the Licensing Authority, [security of the value specified below in any form i.e. Demand Draft, National Savings Certificate, 12 Years National Plan Savings Certificates, 12 Years National Defence Certificates, Treasury Receipts endorsed in favour of Licensing Authority, Deposits in Post Office Savings Pass Book Account pledged to the Licensing Authority and Cash Deposits into Government Treasury, etc.] [Substituted by Notification No. Bha. Sa./2/XXIX-Kha-11-124-89, dated 17th May, 1990, published in U.P. Gazette, (Extraordinary), Part 4, section (Kha), dated 17th May, 1990, (w.e.f. 31st August, 1989), for the words 'security of the value specified below'.] for the due performance of the conditions subject to which the licence is granted to him.

	Rs.
(i) Licence in Form 'B'	5,000
(ii) Licence in Form 'E'	2,000
(iii) Licence in Form 'D'	1,000
(iv) [ Licence in Form 'F' [Inserted by Notification No. 1961/XXIX-Kha-11-Compo.-77-90, dated 24th July, 1993.]	5,000] [Inserted by Notification No. 1961/XXIX-Kha-11-Compo.-77-90, dated 24th July, 1993.]

Provided that the State Government may if it considers it expedient in public interest so to do, grant exemption from depositing security or reduce the amount of security in the case of-(i)a Consumers Co-operative Society which deals in foodgrains;(ii)[ a co-operative institution and its branches which deal in Scheduled Commodities] [Inserted by Notification No. 1278/XXIX-Kha-11-Compo.-38-90, dated 27th July, 1990, published in U.P. Gazette, (Extraordinary), Part 4, section (Kha), dated 27th July, 1990.]

## 7. Power to refuse the licence.

- The Licensing Authority may after affording the person concerned an opportunity of stating his case and for reasons to be recorded in writing refuse to grant [\* \* \*] [The words 'or renew' omitted by Notification No. Bha. Sa.-151/XXIX-Kha-11-Compo.-La.-80-91, dated 21st January, 1992.]a

licence.

## **8. Contravention of conditions of licence.**

(1) No licensee or his agent or servant or any other person acting on his behalf shall contravene any provision of this Order or any of the terms and conditions of the licence. (2) If the Licensing Authority is satisfied that any such licensee or his agent or servant or any other person acting on his behalf has contravened any provision of this Order or the terms and conditions of the licence, it may without prejudice to any other action that may be taken against him, by order in writing cancel or suspend his licence either in respect of all scheduled commodities covered by it or in respect of such of those commodities as it may think fit: Provided that no order shall be made under this sub-clause unless the licensee has been given a reasonable opportunity of stating his case against the proposed cancellation or suspension as the case may be. (3) Subject to the control of the State Government the Licensing Authority may during the pendency or in contemplation of proceeding under sub-clause (2) suspend such licence. (4) It shall be lawful for Licensing Authority to cancel a licence if the licensee has been convicted for contravention of any order made under Section 3 of the Essential Commodities Act, 1955 relating to foodstuffs. (5) The proviso to sub-clause (2) shall apply where a licence is cancelled under clause (4). (6) The licence cancelled under clause (4) shall be restored, where such conviction is set aside by any course of competent jurisdiction or as the case may be.

## **9. Forfeiture of Security deposit.**

(1) Without prejudice to the provisions of Clause 8, if the Licensing Authority is satisfied that the licensee has contravened any of the conditions of the licence and that a forfeiture of the security deposit is called for, it may after affording 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 send a copy of the order to the licensee: Provided that where the security has been forfeited the licensee may carry on his business only after depositing fresh security in such sum not exceeding double the amount of the security forfeited, as may be determined by the Licensing Authority. (2) Upon due compliance by the licensee with all obligations under the licence, the amount of security or such part thereof, which is not forfeited shall be returned to the licensee after the termination of the licence.

## **10. Appeal.**

(1) Any person aggrieved by an order of the Licensing Authority refusing to grant, [\* \* \*] [The words 'renew' omitted by Notification No. Bha. SV-151/XXIX-Kha-11-Compo-La-80-91, dated 21st January, 1992.] or restore a licence, or cancelling or suspending a licence or forfeiting the whole or any part of the security deposited by the licensee under the provisions of this Order, may prefer an appeal to [an Appellate Officer who shall be the Commissioner of the division concerned or such other officer not below the rank of a Special Secretary as may be nominated in this behalf by the State Government] [Substituted by Notification No. 1423/XXIX-Kha-11-Compo.-76-90, dated 25th May, 1990, published in U.P. Gazette (Extraordinary), Part 4, section (Kha), dated 25th May, 1990, for 'the Food Commissioner'.], within 30 days from the date of communication of such order. (2) No

order prejudicial to the applicant shall be made in the appeal unless the appellant has been given a reasonable opportunity of stating his case.

## 11. Restriction on possession of Scheduled Commodities.

(1) No dealer either by himself or any person on his behalf store or have in his possession at any time any Scheduled Commodity in excess of the quantity specified below:

SI. No.	Name of the Scheduled Commodities	Category of city
1	2	3
1. [ [The words 'renew' omitted by Notification No. Bha. Sa-151/XXIX-kha-11-compo.-La.-80-91, dated 21st January, 1992.]	Wheat [The words 'renew' omitted by Notification No. Bha. Sa-151/XXIX-kha-11-compo.-La.-80-91, dated 21st January, 1992.]	... [The words 'renew' omitted by Notification No. Bha. Sa-151/XXIX-kha-11-compo.-La.-80-91, dated 21st January, 1992.]
2 [The words 'renew' omitted by Notification No. Bha. Sa-151/XXIX-kha-11-compo.-La.-80-91, dated 21st January, 1992.]	(a) Paddy [The words 'renew' omitted by Notification No. Bha. Sa-151/XXIX-kha-11-compo.-La.-80-91, dated 21st January, 1992.]	... [The words 'renew' omitted by Notification No. Bha. Sa-151/XXIX-kha-11-compo.-La.-80-91, dated 21st January, 1992.]

(b) Rice [The words 'renew' omitted by  
Notification No. Bha.  
Sa-151/XXIX-kha-11-compo.-La.-80-91,  
dated 21st January, 1992.]

... [The words 'renew' omitted by  
Notification No. Bha.  
Sa-151/XXIX-kha-11-compo.-La.-80-91,  
dated 21st January, 1992.]

1/12th of the quantity equal to the  
annual consumption capacity of the  
words 'renew' omitted by  
No. Bha.  
Sa-151/XXIX-kha-11-compo.-La.-80-91,  
dated 21st January, 1992.  
Category A City  
place

3

Pulses



4	Edible oil seeds including groundnut in shell.	Category A cityCategory . places.
5	Edible oil seeds including hydrogentated vegetable oil	Category A cityCategory . places
[6] [Substituted by Notification No. 14/XXIX-Kha-9-Compo.-La-4-93, dated 5th July, 1994, published in U.P. Gazette Sugar (Extraordinary), Part 4, section (Kha), dated 5th July, 1994.]		
(b) in other towns and areas with a population of less thanone lakh. ....		(a) in cities and towns wi of one lakh andmore
		(The time limit for turno whole-saler andcommiss be seven days.)

125	125	15
(The time limit for turnover of stock for whole-saler and commission agent shall be seven days.)		
7	Khandsari Sugar	(a) in cities and towns with a population of one lakh and more
(b) in other towns and areas with a population of less than one lakh.	.....	(The time limit for turnover of stock for whole-saler and commission agent shall be seven days.)
250	250	30
(The time limit for turnover of stock for whole-saler and commission agent shall be seven days.)		
[8] [Inserted by Notification No. 193/XXIX-Kha-9-94 Compo., La-1-94, dated 24th January, 1994, published in U.P. Gazette (Extraordinary), Part 4, section (Kha), dated 24th January, 1994.]	Gur	(a) in cities and towns with a population of one lakh and more
(b) in other towns and areas with a population of less than one lakh.	.....	(The time limit for turnover of stock for whole-saler and commission agent shall be seven days.)
250	250	30
(The time limit for turnover of stock for whole-saler and commission agent shall be seven days.)		
<p>Provided that the stock limits in relation to pulses, oil-seeds and edible oils specified for a wholesaler in category A' cities shall apply to a wholesaler in such Mandis situated in other places as the Mandi Parishad may, having regard to the location of such Mandis and other relevant factors, from time to time specify. [* * *] [Omitted by Notification No. 5236/XXIX-Kha-11-Compo-La-71-91. dated 25th February, 1992, published in U.P. Gazette (Extraordinary), Part 4, section (Kha), dated 25th February, 1992. ] [Provided further that the stock limit of depot-holder shall be double the stock limit of the wholesaler indicated in column 5 of the table.] [Inserted by Notification No. 3401/XXIX-Kha-11-Compo-19-89, dated 26th November, 1990, published in U.P. Gazette (Extraordinary), Part 4, section (Kha), dated 26th November, 1990.][(1-a) Such quantity of a Scheduled Commodity as is meant for despatch to any place outside the place of business of any wholesaler, commission agent, producer or a manufacturer and is kept in the premises of a transport agency or a forwarding agency or a railway station shall unless loaded for for the place of destination in a truck, railway wagon or any other means of transport and the details and accounts thereof is shown properly in the stock register be included in the stock limit of that wholesaler, commission agent, producer or manufacturer as the case may be.] [Inserted by Notification No. 5236/XXIX-Kha-11-Compo -La-71-91, dated 25th February, 1992, published in U.P. Gazette</p>		

(Extraordinary), Part 4, section (Kha), dated 25th February, 1992.][(1-b) The stock limit referred to in sub-clause (1) shall not apply to imported edible oils (excluding coconut oil, palm kernel oil, R.B.D. palm oil and R.B.D. palm Stearin) and imported pulses.] [Inserted by Notification No. 3400/XXIX-Kha-9-96-84-94, dated 28th October, 1996, published in U.P Gazette (Extraordinary), Part 4, section (Kha), dated 28th October, 1996.](2)[ Nothing contained in sub-clause (1) shall apply to- [Substituted by Notification No. 3400/XXIX-Kha-9-96-84-94, dated 28th October, 1996, published in U.P Gazette (Extraordinary), Part 4, section (Kha), dated 28th October, 1996.](a)any stock of Scheduled Commodities purchased or stored on behalf of the Government of India, the State Government or the Food Corporation of India;(b)any stock of Scheduled Commodities of any Central level or State level Co-operative Society engaged in the procurement, sale, purchase or distribution of Scheduled Commodities.](3)Notwithstanding anything contained in sub-clauses (1) and (2). the Regional Food Controller may on being satisfied that the special circumstances of the case so warrant, allow a licensee to hold for a specified period scheduled commodities exceeding the limits allowed under sub-clause (1) and make a report of the order to the State Government who may vary, amend or reverse such order and such variance, amendment or reversal shall be effective after notice of the same to the licensee.(4)No person shall have in his possession or custody, whether by way of bailment or otherwise any quantity of scheduled commodities on behalf of or on account of any licence:Provided that nothing in this clause shall apply to-(a)The Central Warehousing Corporation or the State Warehousing Corporation or a Co-operative Warehousing Society;(b)a Scheduled Bank or a Co-operative Bank with which a Scheduled Commodity has been pledged;(c)a Commission Agent;(d)a licensed Rice Mill or Flour Mill to whom a Scheduled Commodity has been delivered by a licensee for purposes of milling;(e)a carrier to whom a Scheduled Commodity has been delivered by a licensee for the purposes of transport.Explanation. - The stock of any Scheduled Commodity pledged with a bank, or kept in a warehouse or stored with any other person by way of pledge or any other bailment shall for purposes of sub-clause (1) be deemed to be in possession of the pledger or, as the case may be, the bailor.

## **12. Power to exempt.**

(1)The State Government may, in the public interest, exempt wholly or partly any scheduled commodity from the provisions of this Order.(2)The State Government may, in the public interest, exempt any person or class of persons, dealers or class of dealers either wholly or partly from the operation of any of the conditions of a licence or provisions of Clause 3 of this Order.

## **13. Power to remove difficulties.**

- The State Government may, by general or special order, published in the Gazette, make supplementary provisions in respect of matters for which no provision exists or insufficient provisions exist in this Order, as it thinks fit for the purposes of removing any difficulty.

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

(1)Any Enforcement Officer or the Licensing Authority or any other officer authorised in writing by the State Government in this behalf may, with such assistance, if any, as he thinks fit with a view to

securing compliance with this Order or to satisfying himself that the Order has been complied with-(a)enter, inspect or break open and search any place or premises, vehicle or vessel used or believed to be used for the purchase, sale or storage for sale of any of the Scheduled Commodities or in which he has reason to believe that any contravention of the provisions of this Order or the conditions of any licence issued thereunder, has been or is being or is about to be committed;(b)require the owner, occupier or any other person incharge 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 or is being, or is about to be committed, to produce any book, accounts or other documents showing transactions relating to such contraventions;(c)take or cause to be taken, extract from, or copies of any documents showing transactions relating to such contraventions which are produced before him;(d)search, seize and remove stocks of Scheduled Commodities and the animals, vehicles, vessels or other conveyances used in the said Scheduled Commodities in contravention of the provisions of this Order, or of the conditions of the licence issued thereunder and thereafter take or authorise the taking of of all measures necessary for securing the production of stocks of Scheduled Commodities and the animals, vehicles, vessels or other conveyance so seized in a court and for their safe custody pending such production.(2)The provisions of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) relating to search and seizure shall, so far as may be, apply to the searches and seizures made under this clause.

## 15. Rescission and Saving.

(1)The Uttar Pradesh Foodgrains Dealers (Licensing and Restriction on Hoarding) Order, 1976, the Uttar Pradesh Oil-seeds and Oil-seed Products Control Order, 1966. the Uttar Pradesh Pulses (Licensing and Storage Control) Order, 1979 and the Uttar Pradesh Sugar and Gur Dealers Licensing Order, 1962, are hereby rescinded and the provisions of Sections 6, 8 and 24 of the General Clauses Act, 1897 (Act No. 10 of 1897) shall apply as they apply in relation to the repeal and re-enactment of a Central Act.(2)Notwithstanding such rescission any appointment made, licence or permission granted, or direction issued under the provisions of any of the Orders so rescinded as amended from time to time and in force immediately before the commencement of this Order shall be deemed to have been made, granted or issued under this Order so far as they are consistent with the provisions of this Order.

I

(Scheduled Commodities)(See Clause 2)[I-Foodgrains. - Which means Wheat, Paddy (rice in husk), rice (husked), including products of such foodgrains other than husk, bran, Laiya, Chura and Kheel.] [Substituted by Notification No 4G67/XXIX-Kha-9-Compo. La. 26 94. dated 16th December, 1996, published in U.P. Gazette (Extraordinary), Part 4, section (Kha), dated 16th December, 1996.]II-Pulses. - Which means Urd, Moong, Arhar, Masur, Peas, Lobia, Razma and Gram whole or split or without husk.III-Edible Oils. - Which means oil used for cooking for human consumption including hydrogenated vegetable oils.IV-Oil Seeds. - Which means the seeds from which edible oil is prepared.V-Sugar. - Which means any form of sugar containing more than 90 per cent of sucrose.[V-A-Khandsari Sugar. - Which means sugar containing more than ninety per cent sucrose

and manufactured by open pan process including bels (a rab manufacturing unit).] [Inserted by Notification No. 2678/XXIX-Kha-11-Compo.-74-90, dated 23rd August, 1991, published in U.P. Gazette, (Extraordinary), Part 4, section (Kha), dated 23rd August, 1991.]VI-Gur. - Which means articles commonly known as gur, gul, jaggery, shakkar or rab and includes raw sugar and uncrystallized sugar in any other form comprising original and convertible molasses and other impurities inherent or foreign, prepared by boiling cane or palmyra juice.

## II

Form 'A'(See Clause 4)The Uttar Pradesh Scheduled Commodities Dealers (Licensing and Restriction on Hoarding) Order, 1989Application for grant/ [\* \* \*] [Substituted by Notification No. 4067/XXIX-Kha-9-Compo. La. 26-94, dated 16th December, 1996, published in U.P. Gazette (Extraordinary), Part 4, section (Kha), dated 16th December, 1996.] of licence for Wholesaler/Retailer/ Commission Agent/Manufacturer/Producer/ [Depot-holder] [Inserted by Noti No. Bha. Sa.-151/XXIX-Kha-11-Compo.-La. 80-91, dated 21st January, 1992.] [Bulk-consumer] [Inserted by Notification No. 1961/XXIX-Kha-11-Compo.-77-90, dated 24th July, 1993.] for period ..... to .....for the Scheduled Commodities-

(1)

(2)

(3)

(4)

(1) (a) Applicant's Name

(b) Applicant's profession

(c) Full residential address

(2) (a) Applicant's place of business with particulars, such as number or premises, mohalla, town or village, police station and district.

(b) Full and complete address of places where Scheduled Commodities are proposed to be stored.

(3) Nature of business - Wholesaler/Retailer/Commission Agent/ Producer/[Depot-holder] [Inserted by Notification No. Bha. Sa.-151/XXIX-Kha-11-Compo.-La. 80-91, dated 21st January, 1992.]/Manufacturer/ [Bulk-consumer] [Inserted by Notification No.

1961/XXIX-Kha-11-Compo.-77-90, dated 24th July, 1993.].(4)How long has the applicant been trading in Scheduled Commodities ?(5)Did the applicant hold a licence for dealing in Scheduled Commodities on any previous occasion ? (If so, give particular including particulars of its suspension or a cancellation, if any).(6)Quantities of each Scheduled Commodity sold in each of the last three years.(7)Quantity of Scheduled Commodities likely to be handled during the current year.(8)Income tax, if any, paid in the two years preceding the year of application (to be indicated separately)-(1)(2)(9)Quantity of each Scheduled Commodity in the possession of the applicant on the date of application and the places at which the same is stored.I declare that the quantities of Scheduled Commodities specified above are in my possession this day and are held at the places noted above.I have carefully read the conditions of licence given in Form 'B'/'D'/'E'/'F' [Inserted by Notification No. 1961/XXIX-Kha-11-Compo.-77-90, dated 24th July, 1993.] of Schedule II of the

Uttar Pradesh Scheduled Commodities Dealers (Licensing and Restriction on Hoarding) Order, 1989, and I shall abide by them. I further declare that-(a)I have not previously applied for such licence in this district.(b)I applied for such licence in this district for ..... on..... and was/was not granted a licence No.....(c)[\* \* \*] [In the declaration, in the second para, Clause (c) omitted by Notification No. Bha. Sa -151/XXIX-Kha-11-Compo.-La. 80-91, dated 21st January, 1992.]Place .....Date .....Signature of the Applicant.Strike off the clauses not applicable.Form 'B'(See Clause 4)The Uttar Pradesh Scheduled Commodities Dealers (Licensing and Restriction on Hoarding) Order, 1989Licence for a Wholesaler/Producer/ [Depot-holder] [Inserted by Notification No. Bha. Sa -151/XXIX-Kha-11-Compo.-La. 80-91, dated 21st January, 1992.]/ManufacturerLicence No.....

**1. Subject to the provisions of the Uttar Pradesh Scheduled Commodities Dealers (Licensing and Restriction on Hoarding) Order, 1989, and to the terms and conditions of this licence ..... is/are hereby authorised to carry on business in the undermentioned Scheduled Commodities:**

**2. (a) The licensee shall carry on the aforesaid business at the following place:**

(b)Scheduled Commodities in which the aforesaid business is to be carried on, shall not be stored at any place other than the place mentioned below:(i)Mohalla .....(ii)House No. ....(iii)Bounded by .....Note. - If the licensee has to store his Scheduled Commodities in places other than those specified above he shall give an intimation thereof within 48 hours of its actual occupation and shall produce the licence for making requisite changes by the Licensing Authority.

**3.**

(1)The licensee shall, except when specially exempted by the State Government or by the Licensing Authority in this behalf, maintain a register of daily accounts for each of the Scheduled Commodities 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;(d)the closing stock on each day.(2)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.(3)The licensee shall separately show the stocks of produce of his personal cultivation in the daily account, if such produce is stored in his business premises.

**4. The licensee shall, except when specially exempted by the State Government or by an officer authorised in writing by the State Government in this behalf, submit to the Licensing Authority concerned or to any other authority specified in writing by the Licensing Authority a true return in Form**

**'C' of the stocks, receipts and deliveries etc. of each of the Scheduled Commodities every month so as to reach him within seven days after the close of the month.**

**5. The licensee shall not contravene the provisions of the Uttar Pradesh Scheduled Commodities Dealers (Licensing and Restriction on Hoarding) Order, 1989 or any other order relating to Scheduled Commodities issued under the Essential Commodities Act, 1955 (Act X of 1955) or the rules framed thereunder or any other law relating to Scheduled Commodities for the time being in force.**

**6. The licensee shall not-**

(i)enter into any transaction involving purchase, sale or storage for sale of Scheduled Commodities in a speculative manner and prejudicial to the maintenance of easy availability of supplies of Scheduled Commodities in the market;(ii)withhold from sale Scheduled Commodities ordinarily kept for sale.

**7. The licensee shall exhibit at the entrance or some other prominent place of his business premises, the price list of Scheduled Commodities held by him for sale. Such price list shall be legibly written in Hindi. He shall indicate separately the prices and opening stocks each day of different varieties of Scheduled Commodities.**

**8. The licensee shall subject to Condition 9 sell Scheduled Commodities-**

(a)in the same town or Mandi to any person other than a wholesaler or a Commission Agent:[Provided that nothing contained herein shall apply in case of sale to a wholesaler in the same Mandi-(i)of wheat products by a licensee having a licence of Roller Flour Mill produced in his Mill;(ii)of pulses by a licensee having a Dal Mill and engaged in the manufacture of such pulses produced in his Mill;(iii)by a licensee having a licence under the Rice Milling Industry (Regulation) Act, 1958, of rice hulled or chura produced by him in the rice mill;(iv)by a dealer of paddy to a licensee having a licence under the Rice Milling Industry (Regulation) Act, 1958; and](b)in another Mandi situated in another town to any other wholesaler either direct or through a licensee in Form 'E';Provided that any scheduled commodity purchased by a wholesaler of one Mandi from a wholesaler of another Mandi shall not be sold again to any other wholesaler in any other Mandi;Provided further that the Licensing Authority may in special circumstances by an order in writing allow a wholesaler to sell Scheduled Commodities to another wholesaler in the same Mandi where such wholesaler has to do so in order to liquidate his business or reduce his losses or is unable to sell to parties in another Mandi for reasons beyond his control.

**9. The licensee subject to the provisions of this Order shall not sell to a person other than a retailer any one kind of Scheduled Commodities in quantity of ten quintals or more at any one time.**

**10. Every licensee shall take adequate measures to ensure that Scheduled Commodities stored by him are maintained in proper condition and that damage to Scheduled Commodities due to ground moisture, rain, insects, rodents, birds, fire and such other causes are avoided. Suitable dunnage shall be used to avoid damage from ground moisture and Scheduled Commodities shall be fumigated with approved chemicals. The licensee shall also ensure that fertilizers, insecticides and poisonous chemicals likely to contaminate Scheduled Commodities are not stored along with Scheduled Commodities in the same godown or in its immediate vicinity.**

**11. The licensee shall issue to every customer a correct receipt or invoice giving his own name, address and licence number, the name, the address and licence no. (if any) of the customer, the date of transaction, the quantity sold [the price per quintal or per package] [Substituted by Notification No. 3401/XXIX-Kha-11-Compo.-19-89, dated 26th November, 1990, published in U.P. Gazette, (Extraordinary), Part 4, section (Kha), dated 26th November, 1990. for '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 in writing by him in this behalf.**

**12. The licensee shall furnish correctly such information relating to the business as may be demanded from him and shall carry out such instructions consistent with the provisions of this Order as may from time to time be given by the Licensing Authority or any other officer authorised by him in writing in this behalf.**

**13. The licensee shall give all facilities at all reasonable times to the Enforcement Officer or the Licensing Authority or any officer authorised in writing by him or the State Government for the inspection of his stocks and account and for the taking of samples of Scheduled Commodities for examination, at any shop, godown or other place used by him for the storage, sale or purchase or manufacture or production of Scheduled Commodities.**



**14. The licensee shall comply with any direction consistent with the provisions of this Order that may be given to him by the State Government in regard to purchase, sale and storage for sale of Scheduled Commodities and in regard to the language in which the registers, returns, receipts or invoices shall be given and the authentication and maintenance of the registers.**

**15. The licensee shall in a case where he functions in a regulated market abide by such instructions relating to his business as are given by the marketing authority having jurisdiction.**

**16. The licensee shall not permit his own godown or business premises to be used by any other person.**

**17. The licensee shall not sell or offer to sell in any locality any Scheduled Commodity at a price higher than that fixed for sale of that Scheduled Commodity in such locality, by the Central Government or the State Government in pursuance of any power conferred by law.**

**18. If and when there is any change in the ownership, partnership, or constitution of his firm, the licensee shall give a written intimation to the Licensing Authority within 30 days of the change. On receipt of such intimation or suo motu, after making such enquiry as may be deemed necessary, it shall be lawful for the Licensing Authority to make necessary amendments in the licence.**

**19. [\* \* \*] [Omitted by Notification No. Bha. Sa.-151/XXIX-Kha-11-Compo.-La. 80-91, dated 21st January, 1992.]**

**20. [\* \* \*] [Paragraph '20' omitted by Notification No. Bha. Sa.-14/XXIX-Khadya-11-44-88, dated 29th April, 1993.]**

Place.....Dated.....(Licensing Authority).Strike off whichever is not applicable.Form  
'C'(For use by a Licensee)(See Condition 4 of Form 'B' and Form 'D')Return of stocks, receipt and  
sales of Scheduled Commodities for the month ending 19  
.....Name.....Number of  
Licence.....Address.....Particulars of godowns where  
stock held.....Variety of the Scheduled Commodities:

Particulars Quantity, in quintal if any Remarks

## 1. Stock at the beginning of the month-

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

## 2. (a) Quantity purchased during the month and the source of supply

.....

(b) Average price paid. Total ..... [Note.-(1) Roller Flour Mills which are required to obtain a licence in Form 'B' for selling and storing for sale of wheat products shall not be required to indicate the average price paid for the quantity purchased during the month.] [Inserted by Notification No. 4067/XXIX-Kha-9-Compo. La. 26-94, dated 16th December, 1996, published in U.P. Gazette (Extraordinary). Part 4, section (Kha), dated 16th December, 1996.]

## 3. Quantity sold

(a) quantity sold and delivered/removed during the month; (b) quantity sold but not yet delivered; (c) quantity sold to retailer; (d) quantity sold to wholesaler; (e) quantity sold direct to consumer; (f) average price realised/charged. Total sold .....

## 4. Stock at the end of the month-

(a) actually with the stockist-(i) unsold, (ii) sold but awaiting delivery. (b) Pledged with any person or institution such as a Bank or Co-operative Society. Total..... Place..... Dated..... Signature of Licensee Licence No. Form 'D' (See Clause 4) The Uttar Pradesh Scheduled Commodities Dealers (Licensing and Restriction On Hoarding) Order, 1989 Licence for a Retailer Licence No.....

**1. Subject to the provisions of the Uttar Pradesh Scheduled Commodities Dealers (Licensing and Restriction on Hoarding) Order, 1989, and to the terms and conditions of this licence ..... is/are hereby authorised to carry on business in the under mentioned Scheduled Commodities:**

.....

.....

## 2. (a) The licensee shall carry on the aforesaid business at the following place:

(b) Scheduled Commodities in which the aforesaid business is to be carried on shall not be stored at any place other than the place mentioned below: (i) Mohalla..... (ii) House No.

.....(iii)Bounded by.....Note. - If the licensee has to store his Scheduled Commodities in places other than those specified above, he shall give an intimation thereof within 48 hours of its actual occupation and shall produce the licence for making requisite changes by the Licensing Authority.

### **3.**

(1)The licensee shall, except when specially exempted by an order in writing by the State Government or by the Licensing Authority in this behalf, maintain a register of daily accounts for each of the Scheduled Commodities 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 removed on each day,(d)the closing stock on each day.(2)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.(3)The licensee shall separately show the stocks of the produce of his personal cultivation in the daily account, if such stocks are stored in his business premises.

**4. The licensee shall, except when specially exempted by an order in writing by the State Government or by an officer authorised by the State Government In this behalf, submit to the Licensing Authority concerned or to any other authority specified in writing by the Licensing Authority, a true return in Form 'C' of the stocks, receipts and deliveries etc. of each of the Scheduled Commodities every month so as to reach him within seven days after the close of the month.**

**5. The licensee shall not contravene the provisions of the Uttar Pradesh Scheduled Commodities Dealers (Licensing and Restriction on Hoarding) Order, 1989 or any other order relating to Scheduled Commodities issued under the Essential Commodities Act, 1955 (Act X of 1955) or the rules framed thereunder or any other law relating to Scheduled Commodities for the time being in force.**

### **6. The licensee shall not-**

(i)enter into any transaction involving purchase, sale or storage for sale of Scheduled Commodities in a speculative manner and prejudicial to the maintenance of easy availability of supplies of Scheduled Commodities in the market;(ii)withhold from sale the Scheduled Commodities ordinarily kept for sale.

**7. The licensee shall exhibit at the entrance or some other prominent place of his business premises, the price list of Scheduled Commodities held by him for sale. Such price list shall be legibly written in Hindi. He shall indicate separately the opening stocks each day of different varieties of Scheduled Commodities.**

**8. The licensee shall issue to every customer except in respect of sales up to Rs. 5.00 (Rupees five only) a correct receipt or invoice, giving his own name, address and licence number, the name, the address and licence no. (if any) of the customer, the date of transaction, the quantity sold, [the price per quintal or per package or per kilogram] [Substituted by Notification No. 3401/XXIX-Kha-11-Compo.-19-89, dated 26th November, 1990, published in U.P. Gazette, (Extraordinary), Part 4, section (Kha), dated 26th November, 1990, for '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 in writing by him in this behalf.**

**9. The licensee shall furnish correctly such information relating to the business as may be demanded from him and shall carry out such instructions consistent with the provisions of this Order as may from time to time be given by the Licensing Authority or any other officer authorised in writing by him in this behalf.**

**10. The licensee shall give all facilities at all reasonable times to the Enforcement Officer or the Licensing Authority or any officer authorised in writing by him or the State Government for the inspection of his stocks and account and for the taking of samples of Scheduled Commodities for examination, at any shop, godown or other place used by him for the storage, sale or purchase of Scheduled Commodities.**

**11. The licensee shall comply with any direction consistent with the provisions of this Order that may be given to him by the State Government in regard of purchases, sale and storage for sale of Scheduled Commodities and in regard to the language in which the register and returns, receipts or invoices shall be written and the authentication and maintenance of the register.**

**12. The licensee shall if he functions in a regulated market abide by such instructions relating to his business as are given by the marketing authority having jurisdiction.**

**13. The licensee shall not sell or offer to sell in any locality any Scheduled Commodity at a price higher than that fixed for sale of that Scheduled Commodity in such locality, by the Central Government or the State Government in pursuance of any power conferred by law.**

**14. The licensee shall not permit his godowns or business premises to be used by another person.**

**15. If and when there is any change in the ownership, partnership, or constitution of his firm, the licensee shall give a written intimation to the Licensing Authority within 30 days of the change. On receipt of such intimation or suo motu, after making such enquiry as may be deemed necessary, it shall be lawful for the Licensing Authority to make necessary amendments in the licence.**

**16. [\* \* \*] [Omitted by Notification No. Bha. Sa.-151/XXIX-Kha-11-Compo.-La. 80-91, dated 21st January, 1992.]**

**17. [\* \* \*] [Paragraph 17 omitted by Notification No. Bha. Sa.-14/XXIX-Khadya-11-44-88, dated 29th April, 1993.]**

Place.....Dated.....(Licensing Authority).Delete whichever is not applicable.Form 'E'(See Clause 4)The Uttar Pradesh Scheduled Commodities Dealers (Licensing and Restriction On Hoarding) Order, 1989Licence for a Commission AgentLicence No.....

**1. Subject to the provisions of the Uttar Pradesh Scheduled Commodities Dealers (Licensing and Restriction on Hoarding) Order,1989, and to the terms and conditions of this licence ..... is/are hereby authorised to work as Commission Agent in respect of the under mentioned Scheduled Commodities:**

.....

**2. (a) The licensee shall carry on the aforesaid business at the following place:**

.....(b)Scheduled Commodities in which the aforesaid business is to be carried on, shall not be stored at any place other than any of the places mentioned below:(i)Mohalla.....(ii)House No. ....(iii)Bounded by.....Note. - If the licensee has to store the Scheduled Commodities in places other than those specified above he shall give an intimation thereof within 48 hours of its actual occupation and shall produce the licence for making requisite changes by the Licensing Authority.

**3.**

(1)The licensee shall, except when specially exempted by the State Government or by the Licensing Authority in writing in this behalf, maintain a register of daily accounts for each of the Scheduled Commodities mentioned in paragraph 1, showing correctly-(a)the quantity of Scheduled Commodities handled each day indicating the name of the wholesaler on whose behalf the purchase was made;(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.(2)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.

**4. The licensee shall, except when specially exempted by an order in writing by the State Government or by an officer authorised by the State Government in this behalf, submit to the Licensing Authority concerned or to any other authority specified in writing by the Licensing Authority a true return, in Form 'C' of the stocks, receipts and deliveries etc. of each of the Scheduled Commodities every month so as to reach him within seven days after the close of the month.**

**5. The licensee shall not contravene the provisions of the Uttar Pradesh Scheduled Commodities Dealers (Licensing and Restriction on Hoarding) Order, 1989 or any other order relating to Scheduled Commodities issued under the Essential Commodities Act, 1955 (Act X of 1955) or the rules framed thereunder or any other law relating to Scheduled Commodities for the time being in force.**

**6. The licensee shall not-**

(i)enter into any transaction involving purchase, sale or storage for sale of Scheduled Commodities in a speculative manner prejudicial to the maintenance of easy availability of supplies of Scheduled

Commodities in the market;(ii)withhold from sale the Scheduled Commodities ordinarily kept for sale.

**7. The licensee shall furnish correctly such information relating to the business as may be demanded from him and shall carry out such instructions consistent with the provisions of this Order as may from time to time be given in writing by the Licensing Authority or any other officer authorised by him in this behalf.**

**8. The licensee shall give all facilities at all reasonable times to the Enforcement Officer or the Licensing Authority or any officer authorised in writing by him or the State Government of the inspection of his stocks and accounts at any shop, godown or other place used by him for the storage, sale or purchase of Scheduled Commodities and for the taking of samples of Scheduled Commodities for examination.**

**9. The licensee shall comply with any direction consistent with this Order that may be given to him by the State Government in regard to purchase, sale and storage for sale of Scheduled Commodities and in regard to the language in which the register, returns, receipts or invoices shall be written and the authentication and maintenance of the registers.**

**10. The licensee shall in a case where he functions in a regulated market abide by such instructions relating to his business as are given by the marketing authority having jurisdiction.**

**11. The licensee shall not sell or offer to sell in any locality any Scheduled Commodity at a price higher than that fixed for sale in such locality, by the Central Government or the State Government in pursuance of any power conferred by law.**

**12. [\* \* \*] [Omitted by Notification No. Bha. Sa.-151/XXIX-Kha-11-Control- La. 80-91, dated 21st January, 1992.]**

**13. If and when there is any change in the ownership, partnership, or constitution of the firm, the licensee shall give a written intimation to the Licensing Authority within 30 days of the change. On receipt of such intimation or suo motu, after making such enquiry as may be deemed**

**necessary, it shall be lawful for the Licensing Authority to make necessary amendments in the licence.**

**14. [\* \* \*] [Paragraph '14' omitted by Notification No. Bha. Sa.-14/XXIX-Khadya-11-44-88, dated 29th April, 1993.]**

**15. The licensee shall not permit his godown or business premises to be used by a person holding a licence in Form 'D'.**

Place .....Dated .....(Licensing Authority) . \*Delete whichever is not applicable.[Form 'F'] [Inserted by Notification No. 1961/XXIX-Kha-11-Compo.-77-90, dated 24th July, 1993, published in U.P. Gazette (Extraordinary), Part 4, section (Kha), dated 24th July, 1993.](See Clauses 3, 4)The Uttar Pradesh Scheduled Commodities Dealers (Licensing and Restriction on Hoarding) Order, 1989Licence for a Bulk-ConsumerLicence No.....

**1. Subject to the provisions of the Uttar Pradesh Scheduled Commodities Dealers (Licensing and Restriction on Hoarding) Order, 1989, hereinafter referred to as "this Order" and to the terms and conditions of this licence..... is/are hereby authorised to store the under mentioned Scheduled Commodities for consumption in preparation of**

.....

**2. (a) The licensee shall consume the abovementioned Scheduled Commodities in preparation of .....at the following place:**

.....(b)The abovementioned Scheduled Commodities shall not be stored at any place other than the places mentioned below:(i)Mohalla.....(ii)House No. ....(iii)Bounded by.....Note. - If the licensee has to store his Scheduled Commodities in places other than those specified above he shall give an intimation thereof within 48 hours of its actual occupation and shall produce the licence for making requisite changes by the Licensing Authority.

**3.**

(1)The licensee shall, except when specially exempted by the State Government or by the Licensing Authority in this behalf, maintain a register of daily accounts for each of the above-mentioned Scheduled Commodities, 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 consumed on each day,(d)the closing stock on each day.(2)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.(3)A licensee shall separately show the stocks of



products prepared by consumption of the above-mentioned Scheduled Commodities in the daily account, if such product is stored in his production premises.

- 4. The licensee shall not contravene the provisions of the Uttar Pradesh Scheduled Commodities Dealers (Licensing and Restriction on Hoarding) Order, 1989 or any other order relating to Scheduled Commodities issued under the Essential Commodities Act, 1955 (Act X of 1955) or the rules framed thereunder or any other law relating to Scheduled Commodities for the time being in force.**
- 5. The licensee shall not enter into any transaction involving storage of the Scheduled Commodities in a speculative manner and prejudicial to the maintenance of easy availability of supplies of Scheduled Commodities in the market.**
- 6. The licensee, subject to the provisions of this Order, shall not sell any of the Scheduled Commodities to anyone.**
- 7. Every licensee shall take adequate measures to ensure that Scheduled Commodities stored by him are maintained in proper condition and that damage to Scheduled Commodities due to ground moisture, rain, insects, rodents, birds, fire and such other causes are avoided. Suitable dunnage shall be used to avoid damage from ground moisture and Scheduled Commodities shall be fumigated with approved chemicals. The licensee shall also ensure that fertilizers, insecticides and poisonous chemicals likely to contaminate Scheduled Commodities are not stored along with Scheduled Commodities in the same godown or in its immediate vicinity.**
- 8. The licensee shall furnish correctly such information relating to the consumption of the Scheduled Commodities used in preparation of his products, as may be demanded from him and shall carry out such instructions consistent with the provisions of this Order as may from time to time be given by the Licensing Authority or any other officer authorised by him in writing in this behalf.**
- 9. The licensee shall give all facilities at all reasonable times to the Enforcement Officer or the Licensing Authority or any other officer authorised in writing by him or the State Government for the inspection of**

**his stocks and accounts and for the taking of samples of the Scheduled Commodities for examination, from any shop, godown or other place used by him for the storage of such Scheduled Commodities.**

**10. The licensee shall comply with any direction consistent with the provisions of this Order that may be given to him by, the State Government in regard to storage of Scheduled Commodities and in regard to the language in which the registers shall be written and the authentication and maintenance of the registers.**

**11. The licensee shall not permit his own godown or production premises to be used by any other person.**

**12. If and when there is any change in the ownership, partnership, or constitution of his firm, the licensee shall give a written intimation to the Licensing Authority within 30 days of the change. On receipt of such intimation or suo motu, after making such enquiry as may be deemed necessary, it shall be lawful for the Licensing Authority to make necessary amendments in the licence.**

Place.....Dated.....(Licensing Authority).N.B.-Strike off whichever is not applicable.[Schedule III] [Substituted by Notification No. 2299/XXIX-Kha-11-Compo.-26-90, dated 27th June, 1991, published in U.P. Gazette, (Extraordinary), Part 4, section (Kha.), dated 27th June, 1991.][See Clause 2(a) (b)]

Category 'A' Cities (having a population of Tenlakh and above)

1

1. Kanpur Nagar

2. Lucknow

Category 'B' Cities (having a population of three lakh or more but less than Ten lakh)

2

1. Agra

2. Varanasi

3. Allahabad

4 Meerut

5. Bareilly

6. Moradabad

7. Alighrah

8. Gorakhpur.

[Substituted by Notification No. 4067/XXIX-Kha-9-Compo. La, 26-94, dated 16th December, 1996, published in U.P Gazette (Extraordinary), Part 4, section (Kha), dated 16th December, 1996.]