

The Assam Cement Dealers Licensing Order, 1972

ASSAM

India

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Rule THE-ASSAM-CEMENT-DEALERS-LICENSING-ORDER-1972 of 1972

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The Assam Cement Dealers Licensing Order, 1972 Last Updated 10th February, 2020

1. Short title, extent and commencement.

(1) This Order may be called the Assam Cement Dealers Licensing Order, 1972. (2) It extends to the whole of the State of Assam. (3) It shall come into force on 1st August, 1972.

2. Definitions.

- In this Order, unless the context otherwise requires, - (a) "Dealer" means a person engaged in the business of purchase, sale or storage for sale, of cement in quantities exceeding 10 metric tonnes at any one time but does not include an industrial undertaking which is engaged in the manufacture or production of cement under the Industries (Development and Regulation) Act, 1951 (65 of 1951). (b) "Form" means a form in the Schedule to this Order : (c) "Licensing Authority" means the Director of Consumer Goods, Assam, Shillong, or any other officer appointed by the State Government to exercise the powers and perform the duties of the Licensing Authority under this Order; (d) "State Government" means the Government of the State of Assam ; (e) "Cement" means any variety of cement, manufactured in India, and includes portland, pozzalana cement, blast furnace slag cement, rapid hardening cement, and low heat cement but does not include white and coloured cement (other than grey portland cement), oil well cement and waterproof (Hydrophobic) cement.

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 licence issued in this behalf by the Licensing Authority. (2) A separate licence shall be necessary for each place of business. (3) For the purpose of sub-clauses (1) and (2) of this clause, any person who stores cement in any quantity exceeding 10 metric tonnes at any one time, shall, unless

the contrary is proved, be deemed to store the cement for the purpose of sale; provided that any consumer requiring cement exceeding 10 metric tonnes at a time, shall apply in Form D to the Deputy Commissioner or Sub-Divisional Officer concerned for obtaining a storage permit in Form 'E'.

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' and shall be subject to the conditions specified therein.

5. Period of licence and fees chargeable.

(1) Every licence issued under this Order shall be valid from the date of issue to the 31st December of the year in which the licence has been issued and may thereafter be renewed for a further 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. 20 For renewal of licence-Rs. 10. For issue of a duplicate licence-Rs. 15.

6. Power to refuse licence.

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

7. Contravention of conditions of licence.

(1) Every licensed dealer shall submit returns to the Licensing Authority in Form 'C' and shall further submit such reports and returns as may be required by the said authority. (2) 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 an opportunity of stating his case in writing against the proposed cancellation or suspension.

8. Appeal.

(1) Any person aggrieved by any order of the Licensing Authority refusing to issue or renew a licence or cancelling or suspending a licence under the provisions of this Order may appeal to the State Government within 30 days of the date of receipt by him of such order. (2) No order shall be passed in appeal unless the aggrieved person has been given an opportunity of stating his case in writing.

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

(1)The Licensing Authority or any Supply Officer not below the rank of Sub-Inspector of Supply or any other officer authorised by the State Government 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 books, 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 the 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 cement and the animals, vehicles, vessels or other conveyance used in carrying the said cement in contravention of the provisions of this Order, or of the conditions of the licences issued thereunder the thereafter take or authorise the taking of all measures necessary for securing the production of stocks of cement and the animals, vehicles, vessels or other conveyances so seized, in a Court and for their safe custody pending such proceeding.(2)The provisions of Sections 102 and 108 of the Code of Criminal Procedure, 1898 relating to search and seizure shall, so far as may be, apply to searches and seizures under these clauses.

of Forms

Form AApplication for licence under the Assam Cement Dealers Licensing Order, 1972

1. Applicant's name.....

2. Applicant's profession.....

3. Applicant's address.....

4. Situation of applicant's place or places of business with particulars as to number of houses, mohalla, town or village, police station and district.....

5. How long the applicant has been trading in cement.....

6. Did the applicant hold a cement licence on any previous occasion ? (If so, give particulars including its suspension or cancellation, if any).....

7. Quantitite of cement handled annually during the last three years.....

8. Income-tax, Assam finance tax paid in the two years preceding the year of application (to be indicated separately):

(i).....(ii).....

9. Quantity of cement in the possession of the applicant on the date of application and the place at which the different quantities are kept.

I declare that the quantities of cement specified above are in my possession this day and are held at the places noted against them. I have carefully read the conditions of the licence given in Form B appended to the Assam Cement Dealers Licensing Order, and I agree to abide by them : (a) [I have not previously applied for a licence in this District under this Order.] [Strike off the clauses not applicable.] (b) [I applied for such licence in this district for on and was/wasnot granted a licence on.....] [Strike off the clauses not applicable.] (c) [I hereby apply for renewal of licence No date issued to me on...] [Strike off the clauses not applicable.] Place....Date.....Signature of the applicantForm B Licence for purchase, sale or storage of cement for sale under the Assam Cement Dealers Licensing Order, 1972 Licence No.....

1. Subject to the provisions of the Assam Cement Dealers' Licensing Order, 1972, and to the terms and conditions of this Licence is/are hereby authorised to purchase, sell or store cement for sale.

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

3. (i) The licensee shall maintain a register of daily account for cement 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 place 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 of which shall be upon him. (iii) Separate registers should be maintained for each kind of cement dealt in by him.

4. The licensee shall submit to the Licensing Authority concerned true return in form C of the stocks, receipts and deliveries of each of the categories of cement every fortnight (1st to 15th and 16th to end of the month) so as to reach him within five days after the close of the fortnight.

5. The licensee shall issue to every customer a correct receipt of invoice, as the case may be, giving his own name, address and licence No., the names addressees, the licence No. (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 other officer authorised by him in this behalf).

6. The licensee shall give all facilities at all reasonable times to the Licensing Authority or any officer authorised by the State Government 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 cement and for the taking of samples of cement for examination.

7. The licensee shall comply with any direction that may be given to him by the State Government or, the Licensing Authority in regard to purchase, sale and storage for sale, of cement and in regard to the language in which the register, returns, receipts or invoices mentioned in paragraphs 3, 4 or 5 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.....

Date.....Signature of the Licensing AuthorityForm CReturns of stocks, receipts and sales of cement for the fortnight under the Assam Cement Dealers Licensing Order, 1972 ending 19...Name of the dealer.....No. of licence.....Address.....Particulars of godowns where stock is held and quantity in stock in respect of each quantity of cement in stock in bags/quintals

Particulars of godowns Quantity in stock/bags/quintals Remarks, if any

- 1.
- 2.
- 3.

1. Stock at the beginning of the fortnight:

(a)actually with the licensee..... bags/quintals....(b)pledged with any person or institution such as bank or Co-operative Society..... bags/quintals.Total..... bags/quintals.

2. Quantity purchased during the fortnight.....

Name of Factory from whom purchased	Quantity (in bags/quintals)
(i)(ii)(iii)(iv)	Total.....

3. Quantity received out of quantity purchased.....

From (Name of Factory)	Quantity (in bags/quintals)	Date of Purchase
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4. Quantity sold.....

(a)Quantity sold and delivered/removed/transferred during the fortnight (bags/quintals)(b)Quantity sold but not yet delivered.....Total sold bags/quintalsTotal otherwise disposed of..... bags quintals.

5. Stock at the end of the fortnight....

(a)actually with the licensee.....(i)unsold.....(ii)sold but awaiting deliver....(b)pledged with any other person or institution such as a bank or a Co-operative Society.....Total....To

1. Licensing Authority District.....

Place.....SignatureForm DApplication for storage permit of cement under the Assam Cement Dealers Licensing Order, 1972

1. Name of the applicant....

2. Address.....

3. Purpose of storage.....

4. Estimated cost of construction and quantity of cement proposed to be stored.....

5. Place where to be stored.....

6. Period for which storage is required....

I declare that the above storage permit is sought for my personal consumption of cement for construction of my town house etc. or for my contract work and not for sale or disposal otherwise. If anything to the contrary* is proved I shall be liable to prosecution as provided by law.Signature of the applicantForm EPermit for storage of cement by consumer under the Assam Cement Dealers

Licensing Order, 1972

- 1. Name of consumer and address.....**
- 2. Quantity permitted to be stored in District, Police Station, Village, Post Office, etc....**
- 3. Period up to which storage is allowed.....**