

# **Jammu and Kashmir Kerosene Oil (Licensing) Order, 2016**

JAMMU & KASHMIR

India

## **Jammu and Kashmir Kerosene Oil (Licensing) Order, 2016**

### **Rule**

### **JAMMU-AND-KASHMIR-KEROSENE-OIL-LICENSING-ORDER-2016 of 2016**

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Jammu and Kashmir Kerosene Oil (Licensing) Order, 2016Published vide Notification No. SRO-285, Srinagar, dated 2nd of September, 2016SRO-285. - Whereas, the Government of Jammu and Kashmir is of the opinion that it is necessary and expedient so to do so for maintaining supplies and securing availability of kerosene oil.Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with Government of India, Ministry of Commerce Order No. S.O. 2515 dated 05-10-1968, the Government of Jammu and Kashmir, hereby makes the following order, namely :-

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

(1)This order may be called the Jammu and Kashmir Kerosene Oil (Licensing) Order, 2016.(2)It extends to the whole of the State.(3)It shall come into force from the date of issuance.

### **2. Definitions.**

- In this order, unless the context otherwise requires,-(a)"Dealer" means a person who is engaged in the business of supplying kerosene oil whether or not in conjunction with any other business to a retail dealer ;(b)"Declared Price" in relation to a variety of kerosene oil supplied in any area means the maximum price declared in accordance with the provisions of clause 3 of the Kerosene (Fixation of Ceiling Prices) Order, 1970, by the Director, Food, Civil Supplies and Consumer Affairs ;(c)"Form" means a form appended to this order ;(d)"Kerosene Oil" shall have the same meaning as assigned to it in item No. 7 of the First Schedule to the Central Excise and Salt Act, 1994 (1 of 1944) ;(e)"Licensing Authority" means the Government or an officer appointed by the Government to exercise the powers and perform the duties of Licensing Authority under the provisions of this order

;(f)"Retail dealer" means a person carrying on retail business of supplying kerosene oil to consumers  
;(g)"Stockist" means a person carrying on wholesale business of supplying kerosene oil whether or not in conjunction with any other business to a dealer and includes-(i)his representative or agent ; and(ii)an oil company making wholesale supply from its storage or selling point.

### **3. Licensing of stockists, dealers and retail dealers.**

- (i) No stockists, dealers and retail dealers shall obtain and store for supply kerosene oil except under and in accordance with the provisions of this order and the terms and conditions of the license issued to him in this behalf by the Licensing Authority.(ii)Every person who is engaged in the business as a stockists, dealers and retail dealers at the commencement of this order shall apply to the Licensing Authority for the grant of license within thirty days of the commencement of this order.(iii)On receipt of the application under sub-clause (2) the Licensing Authority may, after giving the applicant an opportunity of being heard, for sufficient reasons to be recorded in writing, refuse to grant or renew a license.

### **4. Issue of license.**

- (i) Every application for a license or renewal thereof shall be made to the License Authority.(ii)An application for renewal of a license shall be made so as to reach the Licensing Authority, not less than thirty days before the date on which license expired :Provided that the Licensing Authority may entertain an application after the expiry of the said period of thirty days if it is satisfied that the applicant was prevented by sufficient cause from filing the application in time.(iii)Every license shall be issued in Form "A" and shall be subject to the conditions mentioned therein and such other condition as the Licensing Authority may prescribe from time to time.(iv)If a license granted under this order is defaced, lost or destroyed the stockist, dealer and retail dealer shall forthwith inform the Licensing Authority, who may, on application by the licensing, issue a duplicate license.(v)A separate license shall be obtained by a retail dealer for each place of business. The license granted under this order, unless previously suspended or cancelled, shall continue up to 31st March of following year but shall be renewable annually on an application by a licensee to the Licensing Authority which shall be made before the expiry of the validity period of license accompanied by the renewal fee.(vi)All the wholesale dealers of kerosene oil must have the storage capacity i.e. underground storage tanks having explosive license.(vii)A storage tank shall be away from populated area and shall have the access fire and emergency vehicles. The wholesale dealer must have fire-fighting equipments available at the Superior Kerosene Oil storing place.

### **5. Eligibility for holding of Kerosene Oil License.**

(1)New kerosene oil retail dealer shall have the qualification of 10+2 and shall be below 40 year of age. However, the person belonging to SC/ST/RBA category can apply for retail dealership if he/she is matric pass.(2)One person shall hold only one Superior Kerosene Oil Dealership with the condition that no one from his/her blood relationship has any retail or Wholesale Kerosene Oil Dealership License. The person holding license of retail/wholesale dealership shall not be involved in any other petroleum product business. No relative of Food, Civil Supplies and Consumer Affairs

employees shall issued Kerosene Oil Dealership License.(3)Depending upon the proportion of population and quantum of kerosene oil, the Assistant Directors of Department of Food, Civil Supplies and Consumer Affairs will send comprehensive proposal for opening of new Kerosene Oil Retail Dealerships.(4)The authority for grant of Kerosene Oil Retail Dealership License shall be with Administrative Department of Food, Civil Supplies and Consumer Affairs on the recommendations of Assistant Director concerned through concerned Directors. However, authority of renewal of license shall with Assistant Directors concerned.(5)The authority of transferring of license shall be Administrative Department on the recommendations of Directors whatever feasible.(6)The retail kerosene oil dealer should have adequate storage capacity of with all safety measures.

## **6. Rationalization of distribution of kerosene oil.**

(1)The allocation of Superior Kerosene Oil to Wholesale Dealers will be made as per the existing norms, however, if there is surplus kerosene oil with Wholesale Kerosene Oil Dealer he can be asked to distribute the kerosene oil in adjoining area/district.(2)All beneficiaries in Priority House Holders category under National Food Security Act will be provided subsidized kerosene oil at the scale of 3 litres per family per month and the remaining quota of kerosene oil will be equitably distributed among the Non-Priority House Holders category beneficiaries not having LPG connection.(3)The quota of kerosene oil will be released only after GPRS is installed in the tankers transporting the kerosene oil in adjoining area/district.(4)A monitoring cell to track the movement of tankers transporting kerosene oil will be established in both the Directorates of Department of Food, Civil Supplies and Consumer Affairs, Jammu/Kashmir. The monitoring cell will track the movement of tankers on their respective divisions.(5)Assistant Directors of Department of Food, Civil Supplies and Consumer Affairs will verify the actual beneficiaries using the kerosene oil for bona fide purpose of cooking and illumination. They may ask the Administrative Department for reallocation of kerosene oil on the basis of actual requirement of kerosene oil in the district. The Assistant Directors may also take into account the beneficiaries voluntarily giving up subsidized kerosene oil while asking the reallocation.(6)The copy of every kerosene oil release order shall be sent to Deputy Commissioners, District SSPs for monitoring the distribution of kerosene oil.(7)The quota shall be allocated to wholesale dealer only who fulfill the required conditions as per the SRO and can be stopped at any point of time for non-fulfillment of conditions laid.(8)The colour of the tanker transporting Superior Kerosene Oil shall be as prescribed by Oil Marketing Companies, highlighting the name of the Wholesale Dealer, Telephone Number of the Dealer, Telephone Number of the Director, Food, Civil Supplies and Consumer Affairs and SSP concerned and the words "Kerosene Oil" shall be written on the body of the tanker boldly.

## **7. Fee chargeable.**

- The fee specified below shall be chargeable in respect of each license, namely :-

(a) for grant or renewal of license to a stockist	Rs. 10,000/3,000 resp.
(b) for grant or renewal of license to a retaildealer	Rs. 3,000/1,000
(c) for issue of a duplicate license	Rs. 1,000/-

## **8. Deposit of security.**

- Every person who applies for license under this order shall deposit the security with the Licensing Authority at the following rates :-

(a) for grant of license to stockist                      Rs. 10,000/-

(b) for grant of license to a retail dealer      Rs. 3,000/-

## **9. Contravention of the terms and conditions of license or directions.**

- No stockist, dealers and retail dealers shall contravene any of the terms or conditions of the license or the directions issued under clause 15 or any provisions of this order and, if any, stockist, dealers and retail dealers contravenes any of the said terms, conditions or any provision of this order, then without prejudice to any other action that may be taken against the license his license may be cancelled or suspended by order in writing by the Licensing Authority :Provided that no order shall be made under this clause unless the stockist, dealers and retail dealers, as the case may be, has been given a reasonable opportunity of stating his case and of being heard against the proposed cancellation or suspension of the license.

## **10. Maintenance of accounts.**

- Every stockist, dealer and retail dealer shall maintain a complete account of stock of the daily receipts and disposal of kerosene oil separately and keep it up-to-date and make it available for inspection at the place of his business, along with such other information as he may be required to furnish by the Licensing Authority or such other officers as may be appointed by the Government in this behalf.

## **11. Display of stock position.**

- Every stockist, dealer and retail dealer shall display at a conspicuous place of his business premises, the opening balance and price of kerosene oil in stock before the commencement of business every day.

## **12. Forfeiture of security deposit.**

- (i) Without prejudice to the provisions of this order, if the Licensing Authority is satisfied that the stockists, dealers and retail dealers has contravened any of the provisions of this order or any of the terms and conditions of the license or the directions and the forfeiture of his security deposit is called for, it may, after giving the stockists, dealers and retail dealers a reasonable opportunity of stating his case against the proposed forfeiture, by an order in writing, forfeit the whole or a part of the security deposited by him and shall forward a copy of the order to the stockist, dealer and retail dealer. (ii) The stockist, dealer and retail dealer shall, if the amount of his security deposit at any time, falls short of the amount specified in clause 8 forthwith deposit further security to make up that amount on being required by the Licensing Authority to do so.

### **13. Appeal.**

- Any person aggrieved by the order of the Licensing Authority refusing to grant or renewal license or cancellation or suspending his license, or forfeiting the security deposited by him may within thirty days from the date of the receipt of a copy of the order prefer an appeal in writing before the Director, Food, Civil Supplies and Consumer Affairs, Jammu/Kashmir or any other officer as may be appointed by the Government in this behalf, whose decision thereon shall be final.

### **14. Restriction on purchase or sale of kerosene oil.**

- (i) The stockist shall supply or cause to be supplied kerosene oil to any person other than a licensed dealer.(ii)No dealer shall obtain or cause to be obtained kerosene oil from any person other than a stockist.(iii)No dealer shall supply or cause to be supplied kerosene oil to any other person other than a retail dealer.(iv)No retail dealer shall obtain or cause to be obtained kerosene oil from any other person other than a dealer.

### **15. Power to call for information.**

- Every stockist, dealer and retail dealer shall, when so required by general or special directions by the Licensing Authority, furnish truthfully and to the best of his knowledge such particulars of information relating to kerosene in such manner as may be required.

### **16. Exemption.**

- Nothing in this order shall apply to purchases and storage of kerosene oil on Government account.

### **17. Powers of entry, search, seizure etc.**

(1)The Licensing Authority or any other officer authorized by the Government in this behalf, with such assistance, if any, as he thinks fit-(a)require the owner, occupier or any other person incharge of any place, premises, vehicles, boat or any other conveyance in which he has reason to believe that any contravention of the provisions of this order or of the conditions of any license issued thereunder has been, is being or is about to be committed, to produce any books or accounts or other information ;(b)enter, inspect or break open and search any place or premises, vehicle, boat or any other conveyance in which he has reason to believe that any contravention of the provisions of this order or of the conditions of any license 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 and return the same to the person from whom they were seized ;(d)search, seize and remove any stocks of kerosene oil and the animals, vehicles, boats or other conveyance used in carrying kerosene oil in contravention of the provisions of this order, or of the conditions of the license issued thereunder and thereafter take or authorize the taking of all measures necessary for securing the production of stocks of kerosene oil and the animals, vehicles, boats or other conveyance so seized in a court and for their safe custody pending such

production.(2)The provisions of sections 102 and 103 of the Code of Criminal Procedure, Samvat 1989, relating to searches and seizures shall, mutatis mutandi apply to search and seizure under this clause.

## **18. Power to issue instructions.**

- The Licensing Authority may from time to time issue such instructions, not inconsistent with this order, as it may consider necessary for purpose of implementing the provisions of this order.

## **19. Power to relax.**

- The Government may relax any of the conditions mentioned above, if it deems fit and in the interest of public at large.

## **20. Repeal and savings.**

- The Jammu and Kashmir Kerosene Oil (Licensing) Order, 1974 and other orders on the subject are hereby repealed. Government of Jammu and Kashmir, Civil Secretariat department of Food, Civil Supplies and Consumer Affairs, J&K, Jammu/srinagar.

Form "A"

(See Clause.....)

License for purchase, supply, store of kerosene oil as Retail Dealer. License No.

\_\_\_\_\_ Dated

\_\_\_\_\_

## **1. Subject to the provision of Jammu and Kashmir K. Oil (Licensing) Order 2016 and the terms and conditions as specified below :-**

\_\_\_\_\_ is hereby authorized to supply or store kerosene oil for period of one year commencing from.....

## **2. The license is granted for .....RTs and the license shall carry business in K. Oil at the following premises only : -**

For \_\_\_\_\_ Non-refund license fee of Rs.

\_\_\_\_\_ Issued in terms of SRO.....date..... of

SRO.....of 2016. Place \_\_\_\_\_ Signature of

Licensing Authority Terms and Conditions

**1. The license is subject to the production of No Objection Fire Certificate from the Fire and Emergency Service Department and in case of inaccessible and far-flung areas, the Executive Magistrate ensuring observance of the Fire Safety requirements to the Assistant Director concerned operationalising the license.**

**2. That licensee shall maintain daily Sale Register of kerosene oil indicating the following :-**

(a)the opening balance on each day ;(b)the source from where K. Oil is received mentioning quantity ;(c)the quantities delivered/issued during the day ; and(d)the closing balance on each day.

**3. The licensee shall complete his accounts on daily basis and keep it ready for inspection by the authorities.**

**4. The licensee shall not-**

(a)Enter into any transaction for obtaining supplying or stocking other kerosene oil except under the license issued under the Jammu and Kashmir Kerosene Oil Licensing Order 2016.(b)Withhold for supplying stock of kerosene oil kept for supply as per the scale as ordered by the Department of Food, Civil Supplies and Consumer Affairs, J&K from time to time.

**5. The licensee shall furnish such returns and maintain such books, accounts and other records relating to receipt and retail scale of kerosene oil by him, as the Licensing Authority or authorized representative in the Department of Food, Civil Supplies and Consumer Affairs may direct from time to time inspections.**

**6. The licensee shall observe and carry out such instructions, as may be time to time given by the Licensing Authority.**

**7. Contravention of any condition of the license are instructions issued by the Licensing Authority, his license liable to be cancelled or suspended without prejudice to any other action that be taken against him.**

**8. The license shall be bound to allow the Competent Authority to inspect his stock his sample of kerosene oil for analysis.**

**9. That there is no legal impediment and the applicant is not a depot holder, or his/her name relative a depot holder or whose license has been cancelled/suspended.**

**10. The licensee shall submit to the Director, Food, Civil Supplies and Consumer Affairs, a return on Form-C of stocks, receipts retail sale of kerosene oil to different RT holders.**

**11. The licensee shall receive supply of K. Oil only after completing all the formalities required him/her as per the Government instructions issued from time to time.**

**12. Any violations of these conditions shall entail action including suspension/cancellation of license.**

**13. The licensee shall be bound to fill up the counterfoil of the ration cards indicating the quota of K. Oil and amount charged falling, which the license shall be liable to suspended/cancelled.**

**14. The licensee shall be bound to display the rate and scale of K. Oil to be supplied to RT holder at conspicuous places of his/her outlet.**

**15. In the event of license holder getting job he/she should deposit his/her license with Licensing Authority.**