

Andhra Pradesh Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2008

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-SCHEDULED-COMMODITIES-DEALERS-LICENSING-ORDER-2008

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Andhra Pradesh Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2008 Published vide Notification No. G.O.Ms.No. 30, Consumer Affairs, Food and Civil Supplies (CS. I), dated 8.8.2008 Last Updated 29th August, 2019 G.O.Ms.No. 30. - In exercise of the powers conferred by Section 3 and 5 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), read with G.S.R. No. 104(E) dated 15th February, 2002, G.S.R. No. 490(E) dated 16th June, 2003, Department of Consumer Affairs, Ministry of Consumer Affairs, Food and Public Distribution, New Delhi, G.S.R. No. 452 dated 25th October, 1972 and G.S.R. 800 dated 9th June, 1978 of Ministry of Food and Agriculture (Department of Food), S.O. No. 1488 (E) dated 31st August, 2007, S.O. No. 400(E) dated 28th February, 2008 and S.O. No. 823(E) dated 7th April, 2008 of Department of Consumer Affairs, Ministry of Consumer Affairs, Food and Public Distribution, New Delhi and with the prior concurrence of the Central Government in the Ministry of Consumer Affairs, Food and Public Distribution, Department of Consumer Affairs, vide letter No. 11/35/ 2007 - ECR and E dated 28-7-2008, the Governor of Andhra Pradesh hereby makes the following Order namely: -

1. Short title, extent and commencement.

(1) This Order may be called the Andhra Pradesh Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2008. (2) It extends to the whole of the State of Andhra Pradesh. (3) It shall come into force on the date of publication of this Order in the Andhra Pradesh Gazette and shall remain in force as directed from time to time by the Central Government.

2. Definitions.

- In this order, unless the context otherwise requires. A. "State Government" means the State Government of Andhra Pradesh. B. "Commissioner" means the Commissioner of Civil Supplies, Government of Andhra Pradesh and includes the Director of Civil Supplies, Government of Andhra Pradesh. C. "Collector" means the Collector of the district and includes Joint Collector in the district and the Chief Rationing Officer in the Twin Cities of Hyderabad and Secunderabad. D. "Scheduled Commodities" means any one or more of the commodities mentioned in the Schedule-1 to this Order including products thereof, other than husk and bran. E. "Pluses" means those indicated in Schedule-1 to this Order, including Redgram (Tur), Blackgram (Urad), Greengram (Moong) and Bengalgram (Gram) - wholegram and split (dais) thereof; F. "Edible Oil" means any oil used for cooking for human consumption and includes hydrogenated vegetable oils other than coconut oil. G. "Food grains" means any one or more of the following food grains. (i) Rice (Husked) (ii) Wheat. H. "Rice Mill" means the plant and machinery with which and the premises including the precincts thereof in which or in any part of which rice milling operation is carried on. I. "Rice Miller" means the owner or any other person in charge of a rice mill holding a valid licence issued under this Order and includes a person or authority which has the ultimate control over the affairs of such mill and when the said affairs are entrusted to a Manager, Managing Director or Managing Agent, such Manager, Managing Director or Managing Agent. (1) "Non-Milling Wholesaler" means a wholesaler possessing licence under this Order and not being a rice mill owner. (2) "Owner" in relation to a rice mill means the person who or the authority which has ultimate control over the affairs of the rice mill, and where the said affairs are entrusted to a Manager, Managing Director or a Managing Agent, such Manager, Managing Director or Managing Agent, shall be deemed to be the owner of the rice mill concerned. (3) "Trading Mill Wholesaler" means a rice mill owner engaged in buying or selling paddy or rice and possessing a licence granted under this Order. J. "Rice Exporter" means a person engaged in the business of purchase of rice from rice millers / dealers out of levy free eligibility, and store the rice for export to outside the Country with or without grading/processing. K. "Dealer" means any person engaged in the business of purchase, movement, sale, supply, distribution or storage for sale of any of the commodities specified in the schedule-1 whether as a wholesaler or retailer or producer or manufacturer or exporter but except importer, whether or not in conjunction with any other business and includes his representatives or agent. (1) "Dealer in pulses" means A person engaged in the business of purchase, sale and storage for sale of any pulses exceeding ten quintals of all pulses taken together at any one time, namely (i) "Wholesaler" means a person who sells pulses (whole or split) to a retailer and consumers including bulk consumers directly; (ii) "Retailer" means a person who sell pulses (whole or split) to consumers directly; (iii) "Producer" means a person carrying on the business of milling of any of the pulses; by buying pulses for being processed by himself and selling the finished products to a wholesaler or through a Commission agent; or by doing any of the processes of milling or manufacturing on behalf of another; but does not include farmer / agriculturist who stores pulses for his personal cultivation or seed purpose. (2) Dealer in respect of edible oil seeds and edible oils: - A person, who engages himself in the business of purchase, sale or storage for sale of edible oil seeds or edible oils in quantity of more than five quintals of any one or all edible oils including hydrogenated vegetable oils taken together or thirty quintals of any one or all edible oilseeds including groundnut in shell taken together, and includes a manufacturer of edible oils, but does not include agriculturalist / Ryot who

stores the oil seeds produced by his personal cultivation or seed purpose.(3)"Producer in relation to edible oils" means a person carrying on the business of expelling, extracting or manufacturing or refining any edible oils:-(a)by buying edible oil seeds for being processed by himself and selling the finished products through a wholesaler or through a commission agent, or(b)by doing any of the processes of extracting or manufacturing or refining on behalf of another.(4)"Dealer in relation to food grains" means a person engaged in the business of purchase, sale or storage but excluding importers for sale of any one of the foodgrains in the schedule-1 in quantity exceeding twenty quintals at any one time, or in quantity of exceeding fifty quintals of all foodgrains taken together, but does not include a framer / agriculturist / ryot who stores foodgrains produced by his for personal cultivation or for seed purpose.(5)"Wholesaler" means a dealer who sells any Scheduled Commodity to retailers or to bulk consumers.(6)"Retailer" means a dealer who sells any Scheduled Commodity direct to consumers.(7)"Commission Agent" means the commission agent having, in the customary course of business as such agent, authority either to sell Scheduled Commodities or to consign Scheduled Commodities for purpose of sale or to buy Scheduled Commodities.(8)"Super Bazaar" means a commercial establishment where all the Scheduled Commodities required by consumers are sold under one roof and there can be a chain of such outlets either in the same city / town or in different cities / towns.(9)"Bulk Consumer" means a hotel, a restaurant, halwal, an educational institution with hostel facilities, a hospital or a religious or charitable institution. Bakeries, Biscuit manufacturers, Confectionery manufacturing unit.L. "Cities" - (i) "Category A City"; means a city, included as Category A city in the Schedule - II to this Order having a population of 10 lakhs and more;(ii)"Category B City"; means a city, included as Category B city in the Schedule-II to this Order having a population of 3 lakhs and more but less than 10 lakhs;(iii)Category C City; means other cities or other areas with a population below 3 lakhs.M. "Population" means population as determined in 2001 census.N. "Primary Mandis" means a mandi where a farmer initially sell their produceO. "Licensing authority" means:(i)in relation to wholesalers, the District Supply Officer of the district concerned or such other Officer not below the rank of a Revenue Divisional Officer as the State Government may so appoint having jurisdiction over the place of business; and(ii)in relation to retailers in twin cities of Hyderabad and Secunderabad, Vijayawada, Visakhapatnam towns and Rangareddy district with urban agglomeration, the Assistant Supply Officer concerned and elsewhere (other than the above cities / urban agglomeration), the Tashildar having jurisdiction over the place of business;Provided that where a dealer applies for a Composite Licence for conductor both wholesale and retail business, the Licensing Authority empowered grant wholesale licence shall also exercise the powers in respect of retail licence.Provided further, that each chain of Super Bazaar in the State would be give wholesale licence where wholesale stocks are stored and each branch super bazaar would be given a retail licence by the respective Licensing Authorities.

3. Issue and renewal of licence.

- (i) Every application for a licence or renewal thereof shall be made to the licensing authority in form A as prescribed in Schedule-III to this Order.(ii)Every licence issued, re-issued or renewed under this Order shall be form-B as prescribed in Schedule-III to this Order.(iii)Every application for renewal shall be made along with the licence before expiry of the period of licence.(iv)The Licence may be renewed under special circumstances, if the application for renewal is received within one

month after the expiry of the period of its validity i.e., within the grace period subject to payment of fee for renewal of Composite licence (wholesale + retail) is Rs. 800 (rupees eight hundred only), for wholesale Licence Rs. 300/- (rupees three hundred only) and Rs. 200/- (rupees two hundred only) for renewal of retailers licences. However, if an application for renewal of licence is made after one month grace period, the licence shall cease to be valid and the entire security deposit made sub clause (1) of Clause (5) shall be forfeited. Provided that where an application for issue of fresh licence has been received by the Licensing Authority and if the application is not rejected or returned for valid reasons, within a month the applicant can thereafter commence business and continue till such time his application for grant of licence is rejected. Provided further that the application seeking for issue of fresh licence or renewal or issue of duplicate licence received by the Licensing Authority or rejection cases, shall be disposed of within a period of (1) one month from the date of receipt of the applications. Under no circumstances the application for issue of renewal / duplicate licence shall be entertained by the Licensing Authority beyond the specified period of (1) one month.

4. Period of Licence and fee chargeable.

- (i) Every licence granted under this Order shall be valid for a period ending 31st March initially and may be renewed further for a period specified from time to time by the Government; (ii) The fees specified below shall be chargeable in respect of licence(s) namely:-

1.	Licence Fees:	
	(a) Composite licence for all Scheduled Commodities:-	
		Rs. Ps
	(i) Wholesale and retail	3000-00
	(ii) Wholesale	1500-00
	(iii) Retail	750-00
	(b) Food grains : (viz Wheat, Pulses and Rice)	
	(i) Wholesale	600-00
	(ii) Retail	300-00
	(c) Edible oil seeds / Edible oils :	
	(i) Wholesale	600-00
	(ii) Retail	300-00
2.	Renewal Fees	
	(a) Composite licence for all Scheduled Commodities	
	(i) Wholesale and retail	800-00
	(ii) Wholesale	300-00
	(iii) Retail	200-00
	(b) Food grains (Viz Wheat, Pulses and Rice)	

	(i) Wholesale	200-00
	(ii) Retail	100-00
	(c) Edible oil seeds and Edible oils	
	(i) Wholesale	200-00
	(ii) Retail	100-00
3.	Duplicate Licence Fees	
	(a) Composite licence for all Scheduled commodities	
	(i) Wholesale and Retail	1000-00
	(ii) Wholesale	500-00
	(iii) Retail	300-00
	(b) Food grains (Viz Wheat, Pulses and Rice)	
	(i) Wholesale	200-00
	(ii) Retail	100-00
	(c) Edible oil seeds and edible oils	
	(i) Wholesale	200-00
	(ii) Retail	100-00
4.	A separate licence shall be obtained by a dealer for each place of business except in respect of places of purchase.	

(a) A producer (Miller) / Commission Agent shall take wholesale licence from the licensing authority

(b) The holder of a licence may obtain from the Licensing Authority a duplicate of the licence issued to him if the original is lost, destroyed or defaced.

5. Deposit of Security.

(1) Every person applying for licence under this Order shall, before such licence is issued to him, deposit the amounts indicated hereunder, with the Licensing Authority for the due performance of the conditions subject to which the licence is granted.

	Wholesale	Retail	Composite (wholesale + retail)
	Rs.	Rs.	Rs.
(i) Food grains (viz; Wheat, Pulses and Rice)	2000	1000	1500
(ii) Edible oil seeds and Edible oils	1000	500	700
(iii) Composite (all commodities)	3000	1500	1700

Provided that nothing in this sub clause shall apply to a shop run by the State Government undertaking or a Corporation wholly owned by the State Government under a Government

Scheme.(2)The security may be in the shape of National Defence Certificates, National Savings Certificates and the like pledged, or cash deposited in Government Treasury of the district concerned for due performance of the terms and conditions subject to which the licence is granted to him. Provided that nothing contained in this clause shall apply to the Wholesale Consumers Cooperative Societies, Primary Cooperative Stores and the Gram Panchayats running fair price shops.

6. Power to refuse to grant or renew licence.

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

7. Cancellation or suspension of a licence.

(1)No holder of a licence issued under this order or his agent or servant or any person acting on his behalf shall contravene any of the terms or conditions of the licence, and if any such holder or his agent or servant or any person acting on his behalf 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 an order in writing of the Licensing Authority. Provided that no order shall be made under this clause unless the licensee has been given reasonable opportunity of stating his case and being heard in person against the proposed cancellation or suspension. Provided further that if any dealer possessing a licence for more than one scheduled commodity contravenes any of the provisions of this Order in respect of one scheduled commodity the licence shall be suspended or cancelled in respect of that commodity only duly following the procedure and in such cases, fresh licence for the remaining period in respect of remaining commodity shall be issued by the Licensing Authority.(2)Notwithstanding any thing contained in sub-clause (1) above where a licensee has been convicted by a court of law in respect of contravention of any Order made under Section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) relating to any of the commodities mentioned in Schedule-1 to this Order, the Licensing Authority shall by order in writing cancel his licence. Provided that where such conviction is set aside in any appeal or revision, the Licensing Authority may, on application, in Form-'A' by the person whose licence has been cancelled, reissue the licence to such person.

8. Forfeiture of Security Deposit.

(1)Without prejudice to the provisions of sub-clause (4) of Clause 3 and Clause 7, 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 is called for, the said authority may, after giving the licensee a reasonable opportunity of stating his case and being heard in person against the forfeiture, by order, forfeit, the whole or any part of the security deposit made by the licensee under sub-clause (1) of Clause 5 of the Order.(2)Where the security deposit of a licensee or any portion thereof is forfeited, the licensee shall deposit the amount so forfeited.(i)where no appeal against the order of forfeiture has been filed within thirty days from the date on which the order was communicated to him, or (ii) Where appeal against such order has been filed and dismissed, within seven days of the dismissal of

appeal.(3) Upon due compliance by the licensee with all obligations under the licence, the amount of security or such part thereof, which is not forfeited as aforesaid, shall be returned to the licensee after the termination of the licence.

9. Disposal of stock when licence is cancelled or suspended.

- When licence issued under this Order is cancelled or suspended, the stocks of that scheduled commodity available with the licensee in respect of which contravention has taken place, shall be disposed of with the directions of the licensing authority.

10. Restriction on possession of Scheduled Commodities.

- With a view to ensuring that the scheduled commodities are available in the market and unlimited stocks are not held by the dealers /rice millers in their business premises without releasing them into the market, so as to have a salutary affect on the prices of scheduled commodities, no licensee shall either by himself or by any person on his behalf, store or have in his possession at any one time the commodities in excess of the quantities specified below;(i) Rice stock limits:

(In Quintals)

(a) Trading Rice Mills: Levy delivering rice mills (irrespective of milling capacity)	4,000 (Four thousand or one week milling capacity whichever is higher)	At all places
(b) Non-Trading Rice Mills exceeding One tonne per hour capacity	2,000 (Two thousand)	(a) In the twin cities of Hyderabad and Secunderabad, Vishakhapatnam, Vijayawada.
	1500 (One thousand five hundred)	(b) Other District head quarters.
	1000 (one thousand)	(c) At other places.
(c) Wholesale Dealers	1,000 (One thousand)	(a) In the twin cities of Hyderabad and Secunderabad, Vishakhapatnam, and Vijayawada.
	500 (Five hundred)	(b) Other dist. Head Quarters.

	250 (Two Hundred and Fifty)	(c) At other places
(d) Retailers	100 (Hundred)	(a) In Urban areas
	50 (Fifty)	(b) In Rural areas

(e) Exporters: No stock limits are prescribed as they export levy free rice purchased from rice millers in Andhra Pradesh or against the levy free eligibility of Trading rice Millers/Dealers or rice purchased from outside the State. In case the exporter or rice miller or dealer intends to purchase rice from other states and exports from any port of Andhra Pradesh, though such exporter or rice miller or dealer is free to move the quantity of rice for the purpose of export, he shall be under obligation to intimate the District Collector concerned where the port is located, about the source of purchase and get release certificate before such consignment meant for export is moved, to avoid diversion of levy rice in the guise of rice meant for export.

Provided that levy participated rice miller or dealer of the State, shall be entitled to export rice from out of 25% of levy free eligibility only"; Provided that the above stock limits shall not apply to the holding or keeping or stock of rice: (a) on Government account; or (b) by the recognized dealers nominated by a State Government or an officer authorized by it to hold stock for distribution through fair price shops; or by the Food Corporation of India. (ii) Wheat Stock Limits (In Quintals) Category

- i Wholesaler 250 Qtls
- ii Roller floor Mills One month grinding capacity
- iii Retailers 20 Qtls

(iii) Biscuit Manufacturers With production capacity of

- (a) 100,000 quintals and above 3,750 Qtls
- (b) 8,000 quintals and above and below 10,000 quintals 3,000 Qtls
- (c) 6,000 quintals and below 8,000 quintals 2,250 Qtls
- (d) Below 6,000 quintals 1,500 Qtls

(iv) Puls (All pulses taken together)

	Wholesaler (Qtls)	Retailer (Qtls)
(a) Category 'A' City (Hyderabad / Visakhapatnam Vijayawada (with population of 10 lakhs and more	2000	50
Category 'B' Cities, Guntur, Kakinada, Rajahmundry, Nellore, Tirupati,		
(b) Kurnool, and Warangal). (with population of 3 lakhs and more but less than 10 lakhs).	1000	40

(c) Category 'C' other areas (with a population of below 3 lakhs. 1000 40

Provided that the stocks limits specified for a wholesaler in Category 'A' Cities shall apply to a wholesaler in such primary mandi is situated in other categories of Cities as the State Government may, having regard to the location of such mandies or new mandies added to the list other relevant factors, from time to time, specify:-Table Stock limits for Producers (Millers dealing in Pulses

Producer	Quantity of un-milled pulses	Quantity of stock of milled pulses		
(a) Producer who is carrying on business on the commencement of this order	(b) Producer who has commenced production after the commencement of this order	(a) Producer who is carrying on business on the commencement of this order	(b) Producer who has commenced production after the commencement of this order	
(1)	2(a)	2(b)	3(a)	3(b)
		For a period of one year from the date of commencement of his production one twelfth of the quantity of pulses that would be required for producing a quantity equal to his annual installed capacity.		For a period of one year from the date of commencement of his production, one twenty fourth of the quantity equal to his annual installed capacity. For the second year and third year of his production / 24th of the quantity of pulses that would be required for producing a quantity equal to his annual installed capacity and thereafter 1 / 24th of the maximum quantity of pulses used by him in any of the three years immediately after the commencement of his production.
Producer of Pulses	One twelfth of the maximum quantity of the Pulses used by him in any of the three years ending on the 30th September, 2006.	For the second and third year of his production, one twelfth of the quantity of Pulses that would be required for producing a quantity equal to his annual installed capacity and thereafter one twelfth of maximum of pulses used by him in any of the three years immediately after commencement of his production.	One-twenty-fourth of his maximum production in any of the three years ending on the 30th September, 2006.	

Provided further that where a dealer is also carrying on business as a producer or commission agent, he shall be entitled to retain the stock limits specified in this sub clause for each such business if such business and accounts thereof are kept and distinct from one another. A producer (Miller) who also happens to be a wholesaler will be eligible stock limits of pulses indicated in the table. (v) Edible Oil Seeds & Edible Oils:

	Wholesale (Qtls)	Retail (Qtls)	
(1)	(2)	(3)	
(a) Edible Oil Seeds including			
Groundnut in Shell:			
(1) Hyderabad / Visakhapatnam Vijayawada (with population of 10 lakhs and more)	2250	150	(1) All edible oil seeds taken together.
(2) Guntur, Kakinada, Rajahmundry Nellore, Tirupati, Kurnool and Warangal (with population 3 lakhs and more but less than 10 lakhs)	1500	113	(2) For groundnut kernel or seed 75% of the limits specified shall apply.
(3) Other areas not covered in (1) & (2) above (with a population of below 3 lakhs)	1200	75	
(b) Edible Oils including			
Hydrogenated vegetable Oils:			
(1) Hyderabad, Visakhapatnam, Vijayawada oils.	900	30	All edible oils including hydrogenated vegetable
(2) Guntur, Kakinada, Rajahmundry, Nellore, Tirupati, Kurnool and Warangal.	600	18	
(3) Any other area	375	12	

Provided that the stock limits specified for a wholesaler in the twin cities of Hyderabad and Secunderabad shall apply to a wholesaler in such primary mandies situated in other cities as the State Government may, having regard to the location of such mandies or to other relevant factors, from time to time, specify; Provided further that where a dealer is also carrying on business as Producer or Commission agent, he shall be entitled to retain the stock limits specified in this sub clause for each such business if such business and accounts thereof are kept separate and distinct from one another; Provided also that no producer specified in Col. (1) of the table below shall store or have in his possession at any time edible oil seeds or mustard seeds, as the case may be, in excess of the quantity specified in the corresponding entry in column (2) of the said table and he shall not hold the finished stock in excess of the quantity specified in the corresponding entry in Col. (3) of the said table.

Producer	Quantity of unmilled edible oil seeds or mustard seeds	Quantity of stock of milled stock of edible oils including refined oil
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(a) Producer who is carrying on business on the commencement of this order	(b) Producer who has commenced production after the commencement of this order	(a) Producer who is carrying on business on the commencement of this order	(b) Producer who has commenced production after the commencement of this order	
1	2(a)	2(b)	3(a)	3(b)
Producer of edible oils.	1 / 8th of the maximum quantity of edible oil seeds used by him in any of the three years ending on the 31st day of March, 2008.	For a period of one year from the date of commencement of his production 1 / 8th of the quantity equal to his annual installed capacity. For the 2nd year and 3rd year of his production 1 / 8th of the quantity of edible oil-seeds that would be required for producing a quantity equal to his annual installed capacity and thereafter 1 / 8th of the max. quantity of edible oil seeds used by him in any of the three years immediately after the commencement of his production.	1 / 24th of his maximum production in any of the three years ending on the 31st day of March, 2008.	For a period of one year from the date of commencement of his production, 1/24th of quantity equal to his annual installed capacity. For the 2nd and 3rd years of his production 1 / 24th of the capacity equal to his annual installed capacity and thereafter 1/24th of the maximum of his production in any of the three years immediately after the commencement of his production.

Note. - For the purpose of computing the stock limit specified in columns (3a) and (3b) above, the raw oils (except solvent extracted oils) oils in process or in semi processed state and finished product shall be taken into consideration. Provided also that where any quantity of edible oils or edible oil seeds is in transit, then, for the purpose of this sub-clause, such quantity shall not, during the period when such quantity is in transit, be deemed to have been included in the stocks of the dealer in whom the property in such quantity is retained during such transit in accordance with the terms of any contract or agreement in pursuance of which the quantity is put in such transit.

11. Power of the State Government in special circumstances and issue of directions.

(1) Government with the prior concurrence of Central Government shall exercise the power and issue a general or special order, when it is considered necessary or expedient to do so for securing the availability of the scheduled commodities at fair prices throughout the State and when the price rise is found to be abnormal, the State Government shall interfere with the trade and tackle the crisis situation and contain the prices of scheduled commodities so as to ensure that common man gets the supply of scheduled commodities without lot of hindrance on the part of trade and specify at which rate the scheduled commodities shall be bought and sold within the State. Price fixation shall be done after adding incidentals etc. keeping in view the Minimum Support Price for the commodities communicated by the Central Government during the respective crop year. (2) The Government, shall issue instructions or directions by way of general or special order for undertaking de-hoarding operations to mitigate the rising trend of prices of scheduled commodities, in accordance with the provisions of this Order in the larger public interest, for distribution through Public Distribution System by evolving a separate distribution mechanism through Government Agencies. The dealers shall comply the orders of the Government. (3) Without prejudice to the generality of the foregoing power, such directions may be issued to any dealer that any one scheduled commodity or all scheduled commodities put together may be sold to only such persons or institutions, through such Government Agencies, in such quantities and at such intervals as the Commissioner, Collector or the licensing authority may by general or special order, direct.

12. Directions to convert Edible Oil Seeds into Edible Oils.

- The Government, the Commissioner, the Collector or the Licensing Authority may, if considered necessary, direct that a dealer shall convert wholly or partly, edible oil seeds stored or held by him for the purpose of conversion into edible oils within a reasonable period.

13. Licensee not to purchase scheduled commodities at prices lower than the notified procurement price from farmers.

- Any person who holds a licence under this Order, or his agent or servant or any other person acting on his behalf and transacting business by purchasing scheduled commodities shall not purchase the scheduled commodities of fair average quality specifications at a price lower than the price notified, if any by the State Government or the Central Government.

14. Licensee not to sell schedule commodities at prices higher than maximum price fixed.

- The licensee shall not sell the scheduled commodities at a price higher than the maximum price, if any, fixed therefore, from time to time by the Central Government or by the State Government.

15. Appeal.

(1) Any person aggrieved by an order of the Licensing Authority refusing to issue, re-issue or renew a licence or cancelling or suspending a licence or forfeiting the security deposit under the provisions of this Order, may within thirty days of the date of receipt by him of the Order, appeal:- (a) to the Joint Collector if such order is that of the District Supply Officer or the Tahsildar in districts. (b) to the Chief Rationing Officer, if such order is that of District Supply Officer (City) or Assistant Supply Officer, in respect of twin cities of Hyderabad and Secunderabad. Provided that in case of cancellation of a licence by the licensing authority on the ground of conviction by a Court of Law, no appeal against such cancellation shall lie to the Appellate Authority; (2) No order shall be passed in appeal unless the aggrieved person has been given an opportunity of stating his case in writing and being heard in person; (3) Pending the disposal of an appeal, the appellate authority may direct that the order refusing to renew a licence or the order cancelling or suspending a licence shall not take effect, until the appeal is disposed of.

16. Revision.

(1) The State Government may on their own motion or on an application made to them, call for and examine the record of the subordinate officers to satisfy themselves, as to the regularity of such proceedings, or correctness, legality or propriety of any decision passed or made therein and if in any case it appears to the Government that any such decision or order should be modified, annulled or remitted for reconsideration, they may pass orders accordingly. (2) No order prejudicial to any person shall be passed under sub-clause (1) above, unless such person has been given an opportunity of making his representations. (3) The State Government may direct that the order refusing to renew a licence or the order cancelling or suspending a licence shall not take effect, until the revision is disposed of.

17. Powers of entry, search, seizure etc.

(1) The Licensing Authority or any other officer of the Revenue/Civil Supplies Department not below the rank of U.D. Cadre or any Commercial Tax Inspector or any officer of Police Department not below the rank of sub-inspector in his respective jurisdiction, may with such assistance, if any, as he thinks fit or any Gazetted Officer of Vigilance and Enforcement Department; (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 the licence issued there-under 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 the licence issued there-under has been, is being or is about to be committed. (c) seize any books of accounts and documents which in the opinion of the licensing authority or as the case may be, the authorized officer, would be useful for or relevant to any proceedings under this Order and return such books of accounts and documents within three months from the date of such seizure to the person from whom they were seized after taking or causing to be taken extracts from or copies thereof as certified

by the person in form "D".(d)search, seize and remove stocks of all or any of the commodities mentioned in Schedule - 1 to this order in respect of which contravention has taken place; and the animals, vehicles, vessels or other conveyance used in carrying the said commodity in contravention of the provisions of this Order or of the conditions of the licence issued thereunder and thereafter take or authorize the taking of all measures necessary for securing the production of stocks of commodities and the animals, vehicles, vessels or other conveyance so seized before the Collector and for their safe custody pending such production.(2)The provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) regarding search and seizure shall, so far as may be, apply to searches and seizures under this clause.

18. Marginal variations in the Stocks at the time of inspection of business premises.

(1)(i) Mistakes in mathematical totalling; (ii) If the stock register does not show the place from which the stock was brought or sent but the information is available from any other register or document; (iii) If the stock register could not be maintained for any particular day due to sickness, pressure of work or unavoidable circumstances; (iv) When the variation between the book and the ground stock is up to 0.5% on the stock available at the time of inspection. (v) In the course of the normal transaction, if the licensee forgets to mention either the licence number or date on the bill or memo. In above cases marginal variations, rectifications of records shall be allowed at the time of inspection.

2. Retailers and Wholesalers - (a) Retail shops with an annual turnover of less than Rs. 2 lakhs shall not be inspected by the Officers of the Vigilance and Enforcement, Revenue, Civil Supplies and Police Departments. However, for the purpose of source checking in connection with some other crime or in cases of specific complaints against the retailers for hoarding, black marketing against etc., of essential commodities, such retail shops can be inspected and during such inspections variations if any shall be allowed up to half percent (0.5%) on the stock available at the time of inspection. Every retail dealer shall file a declaration to the licensing authority about the annual turnover within one month after every accounting year is over and obtain an acknowledgement from the licensing authority along with the official seal on the duplicate copy, and this shall be produced to the officials whenever they inspect his premises.

(b) For violation of provisions of this Order such as failure to submit periodical "C" form returns, non maintenance of stock boards, and non-exhibition of price lists; prosecution need not be launched. However, departmental action may be initiated. The statement indicating the details of stock transacted in every month submitted to the Commercial Taxes Department, a copy of the same should be submitted to Civil Supplies authority at the district level as "C" form return. (c) Producers

and wholesale dealers in food grains, other than rice millers, shall be allowed a variation in stocks up to 5 (five) quintals or up to 10% (ten percent) of the ground stocks, whichever is less, at the time of inspection. In respect of rice millers 6% variation between book balance and ground balance shall be allowed. (d) wholesale dealers in edible oils shall be allowed a variation in stocks up to 5 (five) tins of 15 Kgs each or 5% (five percent) of the stocks whichever is less, at the time of inspection. (e) Producers in edible oils shall be allowed a variation in edible oils stocks up to 4% of the stocks at the time of inspection. (f) Producers and wholesale dealers in edible oil seeds shall be allowed a variation in stocks up to 5% (five percent) of the stocks, at the time of inspection. (g) Retail shops with an annual turnover of Rs. 2 lakhs and above dealing in food grains, edible oil seeds and edible oils shall be allowed a variation up to 0.5% (half percent) of the stocks at the time of inspection. (3) In respect of Pulses Dealers / Dali Mill / Godown premises: - (a) Keeping in view the different stages in manufacturing of dalls, the dall millers (Producers) should be allowed a variation of 2% between the ground balance and book balance at the time of inspection by the enforcement officials. The wholesalers shall continue to have the existing variation limit of 10% or 5 quintals whichever is less between book balance and ground balance at the time of inspection. However, the marginal variation of 2% has to be reckoned between ground balance and book balance in respect of each variety of pulses / dal and not on all pulses / dais put together. (b) In respect of the following types of mistakes / lapses / omissions / irregularities by dealers and millers in pulses (which are only illustrative and not exhaustive in nature), it shall not be necessary to launch prosecution. However, administrative action under the Essential Commodities Act, can be initiated. In case the omissions are found to be repetitive and there are reasons to believe that they are deliberate, appropriate action including launching of prosecution, may also be considered at the discretion of the competent authority by recording the reasons in writing: - (i) Mistakes in mathematical totalling; (ii) If the stock register does not show the place from which the stock was brought or sent but the information is available from any other register or document; (iii) If the stock register could not be maintained for any particular day due to sickness, pressure of work or unavoidable circumstances; (iv) When the variation between the book and the ground stock is insignificant; (v) In the course of the normal transaction, if the licensee forgets to mention either the licence number or date on the bill or memo; (c) For violation of provisions of this Order such as failure to submit periodical "C" form returns, non maintenance of stock boards, and non-exhibition of price lists, prosecution need not be launched. However, departmental action may be initiated. The statement indicating the details of stock transacted in every month submitted to the Commercial Taxes Department, a copy of the same should be submitted to Civil Supplies Authority at the district level as "C" form return.

19. Repealing and Savings.

(a) Nothing contained in this order shall affect; (i) the transport, distribution or disposal of scheduled Commodities to places outside the State, nor shall it be applicable to import of scheduled commodity. Provided that the Central or State Governments may direct the importers to declare the receipts of stocks of scheduled commodity, and stocks retained by them. (ii) The purchase, sale or storage for sale of scheduled commodities under this Order on Government account or the Andhra Pradesh State Civil Supplies Corporation, or the Girijan Cooperative Corporation or A.P. Markfed. (iii) the sale by banks of stocks hypothecated to them, provided that the commodity is sold

in accordance with the terms and conditions applicable to the hypothecators.(b)The Andhra Pradesh Pulses (Licensing, Storage and Regulation) Order, 2007 is hereby repealed;Provided that such recession shall not affect.(i)the previous operation of any of the said order or anything duly done or suffered there-under; or(ii)any right, privilege, obligation or liability acquired, or incurred under the said order; or(iii)any penalty, forfeiture, or punishment incurred in respect of any offence committed against the said order, or(iv)any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid and any such investigation, legal proceedings or remedy may be instituted, continued, enforced and any other penalty, forfeiture or punishment may be imposed as if the said order has not been repealed.

20. Validity of this order.

- This order shall remain in force concurrently with the validity of the Central Orders issued in S.O.No. 400(E) dated 28th February, 2008 for wheat, pulses and S.O.No. 823(E) dated 7th April, 2008 in respect of edible oils, edible oil seeds and rice by virtue of which, the words and impressions made in respect of purchase, movement, sale, supply distribution or storage for sale, in the "Removal of (Licensing requirements Stock Limits and Movement Restrictions) on Specified Food Stuffs Order, 2002 (issued vide order number G.S.R 104(E) dated 15th February, 2002 and subsequently amended vide order number G.S.R. No. 490(E) dated 16th June, 2003) have been kept in abeyance for aforesaid essential commodities.

I

[(See Clause 2(D)]

1. Edible Oils and Edible Oilseeds
2. Foodgrains -
 - a. Rice (Husked)
 - b. Wheat
 - c. Pulses:
 - (i) Redgram (whole or split), (ii) Greengram(whole or split),
 - (iii) Blackgram (whole or split), (iv)Bengalgram (whole or split).

II

(See Clause 2(L))

1. Category "A" : Cities
(having a population of 10.00 lakh and above : Hyderabad, Visakhapatnam, and Vijayawada.
2. Category "B" (having a population of 3.00 lakhs and above but less than 10.00 lakhs) : Guntur, Kakinada, Rajahmundry, Nellore, Tirupati, Kurnool and Warangal.
3. Category "C" (Other Areas with population below 3 lakh) : Areas other than mentioned in Category "A" and "B".

III

(See Clause 3(i)) Form - A The Andhra Pradesh Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2008 Application for grant / renewal of licence

1. Applicant's name

2. Applicant's profession

3. Applicant's residence

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

5. How long has the applicant been trading in the commodities for which licence is applied for?

6. Did the applicant hold for the commodity, licence on any previous occasion ? If so give particulars including its suspension or cancellation if any.

7. Quantity of each scheduled commodity handled annually during the last three years.

8. Quantity of scheduled commodities likely to be handled during the Current year.

9. Income Tax paid in the two years preceding the year of application (to be indicated separately)

10. (a) Quantity of scheduled commodities in the possession of the applicant on the date of application and the places at which the different quantities are kept (Separate figures are to be given for each variety)

(b) Complete address of places where the scheduled commodities are proposed to be stored I declare that the quantities of scheduled commodities specified above are in my possession this day and are held at the places noted against them. I have carefully read the conditions of licence given in form B appended to the Andhra Pradesh Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2008 and I agree to abide by them. *(a) I have not previously applied for such licence in this District for Scheduled Commodities now applied for *(b) I applied for such licence in

this District for on..... and was/was not granted licence on.....*(c) I hereby apply for renewal of licence No..... dated issued to me on..... which is enclosed.*(d) I enclose herewith the challan bearing No....dated...for Rs....Paid into the Sub-treasury....Bank...towards licence / Renewal fee.*(Strike off the clauses not applicable)

Place:Date: Signature of the Applicant

Form -B[See Clause 3 (ii)]Licence for purchase, sale / storage for sale of Scheduled Commodities
Licence No. Retailer / WholesalerBoth retailer and wholesaler Producer

"Producer, Wholesaler and Commission Agent"

1. Subject to the Provisions of the Andhra Pradesh Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2008 and the terms and conditions of this purchase, sell, or store for sale the under mentioned commodities as Retailer / Wholesaler / both Retailer and Wholesaler, Producer / both Producer and Wholesaler.

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

(b)Commodities in which the aforesaid business to be carried on shall not be stored at any place other than the place of business noted in condition 2(a) above or any of the godown mentioned below:Note. - If the licensee intends to store his commodities in places other than those specified in the licence, he shall apply to the licensing authority, producing the licence for making requisite changes therein by the licensing authority. The licensing authority shall issue permission within 48 hours from the time of receipt of such application for occupying new god owns. If such permission is not received by the applicant within the said time, it shall be deemed that the applicant has been permitted to occupy the new god owns.(c)The licensee shall take adequate measures to ensure that the commodities stored by him are maintained in proper condition and that damages to the 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 foodgrains shall be fumigated with chemicals approved for the purpose by persons who have undergone practical training in that regard. The licensee shall also ensure that fertilizers, insecticides and poisonous chemicals likely to contaminate are not stored along with the commodities in the same godown or in immediate juxtaposition of stocks.

3. (i) 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 commodity mentioned in condition - (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. licence Sri/Ms is/are hereby authorized to(c)the

quantities delivered or otherwise removed on each day showing the places of destination; and(d)the closing stock on each day.(ii)The licensee shall enter the particulars referred to in item (b) and item (c) of sub clause (i) above in the register as soon as the relevant transaction takes place.(iii)The licensee shall complete his accounts for each day on the day to which they relate.(iv)A licensee who is a producer himself should separately show the stock of his own produce in the daily account, if such stocks are stored in his business premises.(v)The licensee shall keep in the business premises mentioned in condition -2, all the records and books relating to the transactions of purchase, sale or storage for sale, so as to make them readily available to the inspecting officers for check.

4. The licensee shall, except when specially exempted by the State Government in this behalf, submit separately for each licence held by him to the licensing authority' concerned a true return, in Form - C of the stocks, receipts and deliveries of such of the commodities every month so as to reach him within five days after the close of the month.

5. The licensee shall not contravene the provisions of the Andhra Pradesh Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2008 or any other Order relating to foodstuffs, or edible oilseeds or edible oils issued under the Essential Commodities Act, 1955 (Central Act 10 of 1955).

6. The licensee shall not, contravene the provisions of any law relating to foodstuffs or edible oilseeds or edible oils for the time being in force.

7. The licensee shall not. - (1) enter into any transaction involving purchase, sale or storage for sale all or any of the scheduled commodities in a speculative manner, prejudicial to the maintenance and easy availability of supplies of scheduled commodities in the market.

(ii)withhold from sale supplies of scheduled commodities ordinarily kept for sale, or(iii)charge, in respect of any sale of scheduled commodities made by him a price in excess of that calculated, when the rate of sale by such licensee is fixed by the Central Government or the State Government in pursuance of the powers conferred by any law for the time being in force, or by the producer.

8.

(1)Every licensee shall exhibit at the entrance or some other prominent place of his business, the price list of scheduled commodities held for sale.(2)A price list of scheduled commodities and wheat specified in clause (1): -(a)shall be exhibited in plain and legibly written English language or in the chief language of the district concerned.(b)shall include separately the prices of different classes or varieties of scheduled commodities; and(c)shall bear the signature of the licensee with

date.Explanation. - In this clause, the expression 'written' includes printing, lithography and other modes of representing or reproducing words in a visible form.(3)The prices indicated in the price-list shall at no time exceed those at which the licensee shall sell or offer to sell in any locality, any scheduled commodity under condition 7(iii).

9. The licensee shall, except when specially exempted by the State Government or by the licensing authority in this behalf, issue to every customer a correct receipt or invoice, as the case may be, giving his own name, address and licence number and the name, address and licence number (if any) of the customer, the date of transaction, the quantity sold, the price per quintal and the total amount charged and shall keep a duplicate of the same to be available for inspection on demand by the licensing authority or any officer authorized by him in this behalf.

10. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer of the Revenue/Civil supplies Department not below the rank of U.D. cadre, for the inspection of stocks and accounts of any shop, godown, or other place used by him for the storage, sale or purchase of scheduled commodities and for the taking of the samples thereof for examinations.

11. 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 or storage for sale of scheduled commodities and in regard to the form and language in which the registers, return, receipts, or invoices or price lists mentioned in conditions 3, 4, 8, or 9 shall be written and the authentication and maintenance of the registers mentioned in condition 3.

12. The licensee shall in case where he functions in regulated market, abide by such instructions relating to his business as are given by the marketing authority having jurisdiction and in any other case by such body as may be recognized by the State Government in this behalf.

13. The licence shall be surrendered to the Licensing Authority when it has expired or is no longer required by the licensee.

14. The licence shall not be transferred to any other person by the person to whom it is issued and in case of change in the ownership, a fresh licence shall be obtained by the person who acquires such ownership.

15. The licence shall be valid up to.....

Place: Date: Signature of the Officer issuing the licence

Form - C (For use by a dealer) (See condition 4 of Form - B) Return of stocks, receipts and sales of scheduled commodities for the month ending.....

200 Name..... No. of

licence..... Address

..... Particulars of godowns where stock held..... variety of scheduled commodities

Particulars	Food grains	Edible oils and edible oil seeds	Pulses	Remarks
Rice	Wheat			
1	2	3	4	5 6

1. Stock at the Beginning of the month.

a. Actually with the licensee

b. Pledged with any person or institution, (such as a bank or coop, society)

Total

2. Quantity purchased during the month and the sources of supply.

Note. - Information in respect of the "Source of supply" shall be furnished by the licensee indicating the market or markets and the quantity purchased from each market. He need not give details of the names of each such dealer and of the quantity purchased from each such dealer unless in any single case he has purchased a quantity of 200 quintals or more.

3. Quantity received out of quantity purchased :

From	Quantity in bags / quintals	Date of purchase
Foodgrains	Edible oilseeds and edible oils	
Rice	Wheat	Pulses
1	2	3 4 5 6
(i)(ii)(iii)(iv)Total		

4. Quantity sold :

(a)Quantity sold during the month(b)Quantity sold but not yet deliveredTotal sold
:.....

5. Stock at the end of the month

(a)actually with the licensee(i)unsold(ii)sold but waiting delivery(b)Pledged with any person or institution such as a bank or co-operative Society:Total sold
:.....ToThe Licensing Authority.....District.

Place:Date: Signature.Licence No.

FORM - D(See Clause 17 (1) (c))The Andhra Pradesh Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2008I hereby certify that this extract
from.....of this copy of is the true extract from or copy of the
original.....seized from me on.....and returned to me
on.....

Place:Date: Signature of the person concerned