

if so,

Provided that the premises may be changed or additional premises used with the permission of the licensing authority."

if so

3. The licensee shall make sale of High Speed Diesel Oil or Light Diesel Oil in accordance with the orders issued by the Licensing Authority, from time to time.

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4. The licensee shall maintain the following registers :

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(i) Stock Register, showing correctly—

- (a) the opening stock on each day,
- (b) quantities received on each day and the name of supplier,
- (c) total quantities disposed of each day, and
- (d) closing balance at the end of the day.

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(ii) Daily Sales Register showing full details of each sales.

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5. The licensee shall issue to every customer for every sale a receipt showing the quantity sold, the rate at which sold, and the total amount charged. Similarly relevant documentation should be made for credit sale.

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6. The licensee shall comply with any general or special directions issued by the Licensing Authority from time to time, in regard to the disposal of any stocks of High Speed Diesel Oil/Light Diesel Oil held by him or in regard to the maintenance of any other records or references, as required by the Licensing Authority.

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7. The licensee shall not refuse to sell or withhold from sale, any High Speed Diesel Oil/Light Diesel Oil in his possession in such quantities, at such times, to such person and in such manner, as the Licensing Authority may by written order, direct.

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8. The licensee shall render all reasonable facilities to persons authorised by the Licensing Authorities for inspection of premises, stocks and accounts.

9. If the licensee contravenes any of the conditions of this licence or is found to have made any incorrect statement in his application for a licence or in any return submitted by him or any accounts maintained by him, his licence may be cancelled and he shall also be punishable under Section 7 of the Essential Commodities Act, 1955.

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U.P. KEROSENE CONTROL ORDER, 1962

1. **Short, title extent and commencement.**—(i) This Order may be called the Uttar Pradesh Kerosene Control Order, 1962;

(ii) It shall extend to the whole of Uttar Pradesh;

(iii) It shall come into force at once.

2. **Definitions.**—In this Order, unless there is anything repugnant in the subject or context—

(a) 'agent' means an agent appointed by an Oil Company for distribution of [kerosene to distributor or to retail dealers] and holding licence in Form III;

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[(aa) 'Distributor' means a person holding a licence in Form III-A to take kerosene delivery from an agent for distribution thereof to retail dealers, and to such other persons as directed by the Licensing Authority;]

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1. Published in *U.P. Gazette, Extraordinary*, dated December 27, 1962.
2. Subs. by Notification No. 1367/XXIX-7-88 (KO)/89-CA-10-1955, dated 10-5-90 (*w.e.f.* 10.5.90).

- (f) 'Form' means a form given in the Schedule hereto;
- (g) 'kerosene' means mineral oil prepared for illuminating purposes distilled from petroleum;
- (d) 'licensee' means an agent or 'a distributor or a retail dealer';
- (e) 'licensing authority' means the District Magistrate of the district or any other officer authorized by him to perform any of the functions of Licensing Authority under this Order and includes the District Supply Officer, if any, of the district;
- (f) 'retail Dealer' means a person holding a licence in Form IV;
- (g) 'retail sale' means sale in quantities not exceeding 18.5 litres;
- (h) 'Oil Company' means any of the following companies namely—

Messrs. Burmah Shell Oil Storage and Distributing Co. of India Ltd., Messrs. Esso, Standard Eastern Inc., Messrs. Caltext (India) Ltd., Messrs. Indo-Burmah Petroleum Co., Messrs. Western India Oil Distributing Co. Ltd., and Messrs. Indian Oil Co. Ltd.; and

- (i) 'State Government' means the Government of Uttar Pradesh;
- (j) 'Divisional Commissioner' means the Commissioner of a Division of the State of Uttar Pradesh having jurisdiction within the limits of division.

3. **Registration on sale and storage.**—(i) No person shall sell, offer for sale storage for sale, kerosene except under a licence granted by the Licensing Authority of district in which he carries on business.

(ii) A separate licence shall be obtained in respect of every place of business.

(iii) Nothing contained in Sub-clause (i) shall apply to an Oil Company supplying kerosene to agent for the purpose of distribution to the distributor or the retail dealers.

(iv) Nothing contained in Sub-clause (i) or (i-a) of this clause shall apply to a person appointed to run a Government fair-price shop during the subsistence of such appointment.

4. **Price control.**—No agent shall sell or offer for sale kerosene at price exceeding the wholesale price and no retail dealer shall sell or offer for sale, kerosene at a price exceeding the retail price.

Explanation I.—'Wholesale price' means the price fixed by the Government of India from time to time plus such incidental charges and margin of profit as may be determined for the area by the District Magistrate of the district.

Explanation II.—'Retail price' means the wholesale price plus such incidental charges and margin of profit as may be determined for the area by the District Magistrate of the district.

Ins. by Subs. by Notification No. 1367/XXIX-7-88 (KO)/89-CA-10-1955-O-1962-AM 13 to 1990, dated 10-5-90 (w.e.f. 10.5.90).

Ins. by Notification No. 5298/XXIX-7-33 (KO)/78-CA-10-1955-O-1962-AM (10)-1980, dated May 12, 1980.

Added by Notification No. 1908/XXIX-BD (2)-1-K-62, dated March 19, 1963.

Subs. by Notification No. 1367/XXIX-7-88 (KO)/89-CA-10-1955-O-1962-AM 13 to 1990, dated 10-5-90 (w.e.f. 10.5.90).

Ins. by Notification No. 1367/XXIX-7-88 (KO)/89-CA-10-1955-O-1962-AM 13 to 1990, dated 10-5-90 (w.e.f. 10.5.90).

5. **Application for licence.**—An application for licence shall be in Form I [or Form I or Form II], as the case may be.

6. **Number of criteria for licences.**—(i) The Licensing Authority shall, subject to the orders of the State Government issued in this behalf, grant such number of licences of each category as he may consider necessary for securing equitable distribution and availability at fair prices of kerosene.

(ii) A licence in Form III shall be granted only to a person who is appointed as agent by an Oil Company.

(iii) A licence in Form III-A shall be granted to a person holding a licence in Form III, a co-operative society a company or corporation or any other body owned or controlled by the State Government, or to any person having experience of kerosene business at places at which no agent has been appointed.]

(iv) A licence in Form IV shall be granted keeping in view the experience and extent of kerosene business carried on by the applicant, and also his previous conduct.

(v) A licence in Form IV shall not be granted or renewed to a licensee holding licence in Form III or III-A or to a member of his family or benami or to any other applicant for the same premises in which a licence in Form III or III-A has already been granted.]

7. **Form of conditions of licence.**—A licence granted under this Order shall be in Form III [in the case of an agent in Form III-A in the case of a distributor] in Form IV in the case of retail dealer and in each case shall be subjected to the conditions stated therein.

[Provided that for a person is appointed to run a fair price shop in accordance with the orders enforce no licence in Form IV shall be necessary, but he shall during the subsistence of such appointment be deemed to be a licensee in Form IV and bound by all the terms and conditions applicable to a licensee holding licence in Form IV under this order.]

8. **Period of licence and renewal.**—(i) Every licence shall be valid from the date of issue to the 31st of December of that year and may be renewed for a further period of one year at a time.

(ii) An application for renewal of licence shall be [in Form I or Form I-A or] Form II, as the case may be, and shall be moved at least thirty days before the date of expiry of the licence.

1. Subs. by Notification No. 1367/XXIX-7-88 (KO)/89-CA-10-1955-O-1962-AM 13 to 1990, dated 10-5-90 (w.e.f. 10.5.90).
2. Subs. by Notification No. 1367/XXIX-7-88 (KO)/89-CA-10-1955-O-1962-AM 13 to 1990, dated 10-5-90 (w.e.f. 10.5.90).
3. Ins. by Notification No. 1367/XXIX-7-88 (KO)/89-CA-10-1955-O-1962-AM 13 to 1990, dated 10-5-90 (w.e.f. 10.5.90).
4. Ins. by Notification No. 1367/XXIX-7-88 (KO)/89-CA-10-1955-O-1962-AM 13 to 1990, dated 10-5-90 (w.e.f. 10.5.90).
5. Ins. by Notification No. 1367/XXIX-7-88 (KO)/89-CA-10-1955-O-1962-AM 13 to 1990, dated 10-5-90 (w.e.f. 10.5.90).
6. Ins. by Notification No. 1367/XXIX-7-88 (KO)/89-CA-10-1955-O-1962-AM 13 to 1990, dated 10-5-90 (w.e.f. 10.5.90).
7. Subs. by Notification No. 1367/XXIX-7-88 (KO)/89-CA-10-1955-O-1962-AM 13 to 1990, dated 10-5-90 (w.e.f. 10.5.90).

9. **Duplicate licence.**—When a licence is lost, destroyed or mutilated, duplicate licence may, on the application of the licensee, be issued by the Licensing Authority for remaining period of the licence.

10. **Licence fee.**—(i) The fee prescribed below shall be chargeable in respect of:

- (A) Licence in Form III.— *One time application fee 19/90*
- (a) for issue of licence *500/-* ~~Rs. 100 for each year.~~
- (b) for renewal of licence *Rs. 50 for each year.*
- (c) for issue of duplicate licence *Rs. 100/-*
- (B) Licence in Form III-A.—
- (a) for issue of licence *Rs. 60 for each year. 1050/-*
- (b) for renewal of licence *Rs. 30 for each year.*
- (c) for issue of duplicate licence *Rs. 60/-*
- (C) Licence in Form IV.—
- (a) for issue of licence *250/-* ~~Rs. 15 for each year.~~
- (b) for renewal of licence *Rs. 6 for each year.*
- (c) for issue of duplicate licence *Rs. 15/-*

(ii) The licence fee for the issue of licence shall be paid before the licence is issued and the licence fee renewal of a licence or for issue of duplicate licence shall be paid along with the application for the renewal or issue, as the case may be.

(iii) [If] Each applicant for grant of a licence under this Order shall within a week of the demand and before issue of the licence, furnish a security of Rs. 1,000 in the case of an agent and Rs. 500 in the case of a distributor and Rs. 100 in the case of a retail dealer in the form of fixed deposit in a post office duly pledged to the Licensing Authority, for the compliance of the provisions of the said Order and performance of the terms and conditions of the licence:

Provided that a person holding licence under this Order at the commencement of the Uttar Pradesh Kerosene Control (Amendment) Order, 1980, shall furnish the aforesaid amount of security in the said manner, within amount of the demand made after such commencement.

(b) The licensee shall, if the amount of security at any time falls short of the amount specified under (a) of this sub-clause, forthwith deposit the amount to make up the deficiency in the amount of security on being required to do so by the Licensing Authority.

(c) The whole or any part of the amount of the security which is not forfeited under the provisions of this Order, shall, on application being made for that purpose be refunded to the licensee on the termination of his licence.

1. Subs. by U.P. Kerosene Control (First Amendment) Order, 1975, dated 25.11.1975.
2. Subs. by Notification No. 1367/XXIX-7-88 (KO)/89-CA-10/1955-O-1962-AM 13 to 1990, dated 10.5.90 (w.e.f. 10.5.90).
3. Ins. by Notification No. 231/XXIX-7-32 (KO)-77-CA-10/1955-O-1962-AM-11-1980, dated 15.9.1980.
4. Subs. by Notification No. 1367/XXIX-7-88 (KO)/89-CA-10/1955-O-1962-AM-13/1990, dated 10.5.90.

11. **Forfeiture of security, suspension and cancellation of and refusal to renew licence.**—The Licensing Authority may, for reasons to be recorded in writing, forfeit the security either in whole or in part, suspend or cancel any licence or refuse to renew a licence if it is satisfied that the licensee has contravened any provisions of this Order or the conditions of the licence or any direction issued thereunder:

Provided that the licensee shall be given a reasonable opportunity of submitting his explanation before forfeiture of security either in whole or in part or before a licence is cancelled or its renewal is refused or its suspended otherwise than by way of suspension pending inquiry:

Provided further that no order of suspension pending inquiry shall extend beyond a period of two weeks.

Provided also that it shall not be necessary to give an opportunity in respect of an alleged contravention which has led to the conviction of the licensee.]

Comments

The Government or its Officers cannot interfere with rights of others unless they can point out some specific rule or law which authorised their acts—No such rule in the control order which empowers respondents to suspend kerosene's retail dealers licences during pendency of some criminal case in a criminal Court. In absence of any such power action of respondents in suspending licences of petitioners is absolutely without jurisdiction. *Suresh Chandra Gupta v. District Supply Officer, Etawah.*

12. **Appeal.**—(i) Any person, aggrieved by the cancellation of his licence or by the refusal to renew the same, may within 30 days of the order of cancellation or refusal being communicated to him prefer an appeal to the Divisional Commissioner concerned or to such other officer as nominated by the State Government in this behalf.

(ii) The State Government may, as a special case, transfer to itself appeal filed under Sub-clause (i) above and dispose of it.

(iii) Appeal preferred before the State Government prior to the commencement of this Order, may be transferred by the State Government for disposal to the Divisional Commissioner concerned.]

13. **Restriction on utilisation of kerosene.**—A licensee shall not utilise or allow to be utilised, his stock of kerosene except for sale in accordance with the provisions of this Order and the conditions of his licence.

14. **Powers of Licensing Authority, etc.**—The Licensing Authority or any Officer authorised by it in this behalf, may—

- by order, require any licensee to maintain such records and furnish such returns, reports, statements or information in regard to his business, as may be specified in the Order;
- inspect any books or documents relating to kerosene business belonging to or under the control of a licensee;
- enter upon, inspect or search any premises used or believed to be used for the purchase, sale or storage of kerosene; and

1. Subs. by Notification No. 231/XXIX-7-32 (KO)-77-CA-10/1955-O-1962-AM-11-1980, dated 15.9.1980.
2. 1990 R.J. 25.
3. Subs. by Notification No. 5298/XXIX-7-33 (KO)-78-CA-10/1955-O-1962-AM (10)-1980, dated May 12, 1980.
4. Vide Notification No. 580/XXIX-BD(2)-1K-62, dated July 31, 1963.

(iv) seize any kerosene in respect of which he has reason to believe that a contravention of this Order has been, is being or is about to be made and also seize any record relating to such kerosene.

15. **Repeal.**—Subject to the provisions of Clause 16 of the Uttar Pradesh Kerosene (Price) Control Order, 1962 is hereby repealed [except in relation to cases of contravention of the Order before the commencement of this Order.]

16. **Savings.**—Any order or determination made by action taken under the Uttar Pradesh Kerosene (Price) Control Order, 1962 and in force immediately and be deemed to have been made or taken under the corresponding provisions of this Order.

✓ SCHEDULE
FORM I

Form of application for licence as an agent or for renewal of such licence

1. Applicant's name, parentage and address.....
2. If the application is made on behalf of a firm or an incorporated company, the trading name.....
3. Names and address of all partners and directors, as the case may be.....
4. Exact addresses of the place of storage and business.....
5. Whether any licence has been obtained under the Petroleum Act, 1934? If so, specify.....
6. Approximate quantity of kerosene handled by applicant (in gallons/litres) during last five years :
 - 19.....
 - 19.....
 - 19.....
 - 19.....
7. Name of the supplier : Oil Company.....
8. Whether applicant is holding any agent's licence in any other district? If so specify.....
9. Whether the applicant held licence under Kerosene Control Order, 1962? If so, number and date of the licence.....
10. Whether the applicant has ever been tried or convicted for any offence? If so, particulars thereof.....
11. Number of existing licence if the application is for renewal.....

I/We have read the provisions of Uttar Pradesh Kerosene Control Order, 1962 and understand that the licence issued to me/us will be subject to the provisions of the Order and conditions given in the licence and that any breach of the conditions of the licence will amount to a breach of the Order.

I/We declare that to the best of my/our information and belief, the above information is correct and complete.

(Signature of the Applicants)