

Rajasthan Trade Articles (Licensing and Control) Order, 1980

[Pub. in Raj. Gaz. Extra. Pt-4 (C) (1) dt. 27.08.2008]

Food & Civil Supplies Department

Jaipur, August 27, 1980

G.S.R. 46. In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) read with the orders of the Government of India in the Ministry of Agriculture & Irrigation (Department of Food) published under G.S.R. Nos. 45 (E) dated 25th October, 1972, 168 (E) dated 13th March, 1973 and 800 dated 9th June, 1978 and in the Ministry of Industry and Civil Supplies (Department of Civil Supplies & Cooperation) published under S.O. 681 (E) and 682 (E) dated 30th November, 1974 and with the prior concurrence of the Central Government, the State Government hereby makes the following order, namely:

PART – I

Preliminary

1. Short title, extent and commencement—

- (1) This Order may be called the Rajasthan Trade Articles (Licensing and Control) Order, 1980.
- (2) It extends to the whole of the State of Rajasthan.
- (3) It shall come into force at once.

2. Definitions—

In this order unless the context otherwise requires—

(a) [x x x x]

Comments

Definition of 'bulk consumer' at item no. (a), have been omitted vide order S.O. 376 dt. 13.02.2004. The same have been inserted for the period of 22.04.2009 to 08.07.2009 (vide order S.O. 16 dt. 21.04.2009) and again inserted for the period of 30.07.2009 to 08.01.2010 (vide order S.O. 144 dt. 15.07.2009). The expiry date 08.01.2010 have been extended to 30.11.2011 by amending orders from time to time. The definition was as under—

"(a) 'bulk consumer' means a hotel, a restaurant, a halwai, a hospital, an educational institution with hostel facilities or a religious or charitable institution with hostel facilities".

(b) [x x x x]

Comments

Definition of 'coal' at item no. (b), have been omitted vide order S.O. 376 dt. 13.02.2004.

(c) ‘**Collector**’ means the Collector of a district and includes Additional Collector and such other Officer not below the rank of Sub-Divisional Officer, as may be authorized by the Collector to perform the functions and exercise the powers of the Collector under this Order;

¹[(cc) ‘**Commission agent**’ means a commission agent having, in the customary course of business as such agent, authority either to sell trade articles, or to consign trade articles for the purposes of sale or to buy trade articles on behalf of his principal];

(d) ‘**Commissioner**’ means the Commissioner, Food & Civil Supplies Department and includes Addl. Food Commissioner and Deputy Food Commissioner, Food & Civil Supplies Department;

²[(e) ‘**Dealer**’ means a person, a firm, an association of persons or a cooperative society other than a National and State level co-operative society, engaged in the business of purchase, sale or, storage for sale of any trade article whether or not in conjunction with any other business and includes his representative or agent.]

(f) ^{#1}[x x x x] ^{#2}[‘**Edible oil**’ means any one or more of the oil specified in PART ‘B’ of schedule;]

Comments

#1. *Definition for ‘edible oil’ at item no. (f), have been omitted vide order S.O. 83 dt. 13.04.1998.*

#2. *The new definition have been inserted for the period of 23.11.2015 to 30.09.2016 vide order S.O. 168 dt. 23.11.2015*

(g) [x x x x]

Comments

Definition for ‘food grain’ at item no. (g), have been omitted vide order S.O. 376 dt. 13.02.2004.

(h) ‘**Form**’ means a form appended to this Order;

(i) [x x x x]

Comments

Definition of ‘gur’ at item no. (i), have been omitted vide order S.O. 376 dt. 13.02.2004.

(j) [x x x x]

Comments

Definition of ‘khandsari’ at item no. (j), have been omitted vide order S.O. 376 dt. 13.02.2004.

(k) ‘**Licensing Authority**’ means an officer not below the rank of Naib Tehsildar appointed by the State Government to exercise the powers and perform the duties of the Licensing Authority for different trade articles for different areas and under the different provisions of this Order;

1. Inserted by S.O. 2, dt. 30.03.1995
 2. Substituted by S.O. 376, dt. 13.02.2004

(l) ^{#2[x x x x]} ^{#1}['**edible oil seed**' means any one or more of the oil seed specified in PART 'C' of Schedule 1;]

Comments

#1. *This new definition of 'oil seeds' has been inserted for the period of 23.11.2015 to 30.09.2016 vide order S.O. 168 dt. 23.11.2015.*

#2. *Before addition of above said new definition of 'oil seeds', the definition of 'list of prices and stocks' at item no. (l), was omitted vide order S.O. 376 dt. 13.02.2004. The same was added for the period of 22.04.2009 to 08.07.2009 (vide order S.O. 16 dt. 21.04.2009) and again inserted for the period of 30.07.2009 to 08.01.2010 (vide order S.O. 144 dt. 15.07.2009). This term 08.01.2010 had been extended to 30.11.2011. The definition is reproduced as under-*

"(l) 'list of prices and stocks' means the list maintained from time to time by a dealer in from 'E' Indicating the sale prices and stocks of the trade articles in which the dealer carries on business;"

(m) [x x x x]

Comments

Definition for 'edible oil seeds' at item no. (m), was omitted vide order S.O. 83 dt. 13.04.1998. But now definition of 'edible oil seeds' has been inserted for the period of 23.11.2015 to 30.09.2016 vide order S.O. 168 dt. 23.11.2015 at item no. (l).

¹[(n) '**place of business**' means any place where a dealer or a producer sells any of the trade articles and keeps his books of accounts, etc.];

(o) '**price**' in relation to a trade article means the amount of money inclusive of all taxes, for which the dealer sells or agrees to sell or offers to sell or parts with any trade article;

(p) ^{#1[x x x x]} ^{#2[x x x x]} ^{#3[x x x x]} ^{#4[x x x x]} ^{#5}['**Producer**' means a person carrying on the business of milling any of the whole pulses or expelling, extracting, manufacturing ^{#6} [,packing, repacking, labeling, relabeling] or refining of any edible oil.

Explanation: For the purpose of this sub clause, anyone buying pulses or oil seeds for being processed by himself and selling the finished products to a wholesaler or-through a commission agent and anyone doing any of the processes of milling, expelling, extracting, manufacturing or refining on behalf of another shall be deemed-to the carrying on the said business.]

Comments

#1. *Definition for 'producer' at item no. (p), was omitted vide order S.O. 376 dt. 13.02.2004.*

#2. *Definition for 'producer' at item no. (p), was omitted vide order S.O. 376 dt. 13.02.2004. The same was inserted for the period of 17.08.2009 to 30.09.2009 (vide order S.O. 167 dt. 12.08.2009) and this term 30.09.2009 have been extended upto 30.09.2013 by amending orders from time to time. The definition is reproduced as under-*

"(p) 'producer' means a person carrying on the business of milling any of the pulses or expelling, extracting, manufacturing or refining any edible oil;"

1. Substituted by S.O. 2, dt. 30.03.1995

Explanation: 'For the purpose of this sub-clause, anyone buying pulses or oil seeds for being processed by himself and selling the finished products to a wholesaler or through a commission agent and anyone doing any of the processes of milling, expelling, extracting, manufacturing or reusing on behalf of another shall be deemed to the carrying on the said business;'

#3. The definition for 'producer' at item no. (p) had been inserted for the period of 22.06.2015 to 30.09.2015 (vide order S.O. 65 dt. 22.06.2015). The definition is reproduced as under-

"(p) 'producer' means a person carrying on the business of milling any of the whole pulses or manufacturing of pulses;"

Explanation: 'For the purpose of this sub-clause, anyone buying pulses for being processed by himself and selling the finished products to a wholesaler or through a commission agent and anyone doing any of the processes of milling or manufacturing on behalf of another shall be deemed to the carrying on the said business;'

#4. The definition for 'producer' at item no. (p) has been inserted for the period of 20.10.2015 to 30.09.2016 (vide order S.O. 156 dt. 20.10.2015). The definition is reproduced as under-

"(p) producer' means a person carrying on the business of milling any of the whole pulses or manufacturing of pulses;"

Explanation: 'For the purpose of this sub-clause, anyone buying pulses for being processed by himself and selling the finished products to a wholesaler or through a commission agent and anyone doing any of the processes of milling or manufacturing on behalf of another shall be deemed to the carrying on the said business;'

#5. The above given definition of 'Producer' at item #4 (inserted at item (p) vide order S.O. 156 dt. 20.10.2015) substituted vide order S.O. 168 dt. 23.11.2015 for the period of 23.11.2015 to 30.09.2016.

#6. Expression "packing, repacking, labeling, relabeling" inserted by S.O. dt. 08.12.2015 for the period from 08.12.2015 to 30.09.2016 .

(q) #1[x x x x] #2[x x x x] #3[x x x x] #3[‘Pulses’ means anyone or more of the pulses as specified in PART ‘A’ of Schedule-I, whether whole or split or with or without husk and includes products thereof other than husk & bran;]

Comments

#1. Definition for 'pulses' at item no. (q), have been omitted vide S.O. 376 dt. 13.02.2004.

#2. Definition for "pulses" at item no. (q), have been omitted vide S.O. 376 dt. 13.02.2004. The same was inserted for the period of 17.08.2009 to 30.09.2009 (vide S.O. 167 dt. 12.08.2009) and this term 30.09.09 had been extended upto 30.09.2013 by amending orders from time to time. The definition is reproduced as under-

"(q) 'pulses' means any one or more of the pulses as specified in PART 'B' of Schedule I, whether whole or split or with or without husk and includes products thereof other than husk & bran"

#3. The following definition for 'pulses' at item no. (q) have been again inserted for the period of 22.06.2015 to 30.09.2015 (vide order S.O. 65 dt. 22.06.2015) and same have been again inserted for the period of 20.10.15 to 30.09.2016 by S.O. 156 dt. 20.10.2015. The definition is reproduced as under-

"(q) 'pulses' means anyone or more of the pulses as specified in PART 'A' of Schedule I, whether whole or split or with or without husk and includes products thereof other than husk & bran;"

(r) 'retailer' means a dealer dealing in any of the trade articles mentioned in Schedule I and who is not a wholesaler; (s) 'Schedule' means a Schedule appended to this Order;

(t) 'State Government' means the Government of the State of Rajasthan;

(u) [x x x x]

Comments

Definition for 'sugar' at item no. (u), have been omitted vide S.O. 376 dt. 13.02.2004. The same was inserted for the period of 22.04.2009 to 08.07.2009 (vide order S.O. 16 dt. 21.04.2009) and again inserted for the period of 30.07.2009 to 08.01.2010 (vide order S.O. 144 dt. 15.07.2009). This term 08.01.10 have been extended to 30.11.2011 by amending orders from time to time. The definition is reproduced as under-

"(u) 'sugar' means any form of sugar containing more than 90% of sucrose: "

(v) 'Trade article' means any commodity mentioned in Schedule I or Schedule II; and

#1[(w) 'Wholesaler' means a dealer who sells anyone or more of trade articles mentioned in Schedule I to other dealers]. #2[x x x x]

Comments

#1. Substituted by S.O. 376, dt. 13.02.2004.

#2. Definition of 'wholesaler' at item no. (w), have been substituted vide S.O. 376 dt. 13.02.2004. The same substituted item (w), was inserted for the period of 22.04.2009 to 08.07.2009 (vide order S.O. 16 dt. 21.04.2009) and again inserted for the period of 30.07.2009 to 08.01.2010 (vide order S.O. 144 dt. 15.07.2009). This term 08.01.2010 have been extended to 30.11.2011 by amending orders from time to time. The substituted definition is reproduced as under-

"(w) 'wholesaler' means a dealer who sells any trade article mentioned in Schedule-I to any other dealer or bulk consumer."

PART – II
(Licensing of Dealers)

3. Licensing of Dealers #1[x x x x]–

#2[3. Licensing of Dealers and Producers-]

(1) No dealer #3[and a producer] shall, after the commencement of this Order, carry on business of purchase, sale or storage for sale of any of the trade articles #4[x x x x] #5[x x x] mentioned in Schedule-I except under and in accordance with the terms and conditions of a licence issued in this behalf by the Licensing Authority under the provisions of this Order:

Provided that no licence shall be required for a dealer #6[or a producer] who stores for sale at any one time the trade articles, in quantities not exceeding the limits as may be prescribed by the State Government with prior concurrence of the Central Government for any trade article from time to time:

Provided further that a dealer holding a valid licence of trade articles under the various Licensing Orders mentioned in Schedule - III may obtain a licence for the same trade articles under this Order within ^{#7}[thirty days] of the commencement of this Order. This existing licence shall be deemed to be a licence issued to him as a dealer under this Order up to the said day.

^{#8}[x x x x] ^{#9}[x x x x]

^{#10}[Provided also that dealer and producer of pulses shall obtain a license within fifteen days of commencement of this order.]

^{#11}[Provided also that dealer of edible oilseed or oil and producer of edible oil shall obtain a license within fifteen days of commencement of this order.]

(2) For the purpose of this clause, ^{#12}[dealer] ^{#1}[and producer] who stores any trade article at anyone time in quantities exceeding the limits prescribed in sub-clause (1), shall unless the contrary is proved by him, be deemed to be carrying on business as a ^{#12}[dealer] ^{#1}[and producer] and to store the same for the purpose of sale;

Comments

#1. The words 'and producer' have been inserted by G.S.R. 52, dt. 30.03.1988, but deleted by S.O. 376, dt. 13.02.2004. These words again inserted for the period of 17.08.2009 to 30.09.2013 by S.O. 167 dt. 12.08.2009 and subsequent orders, again substituted for the period 07.07.2015 to 30.09.2015 by S.O. 65 dt. 22.06.2015 and again substituted for the period 20.10.2015 to 30.09.2016 by S.O. 156 dt. 20.10.2015.

#2. The heading have been substituted for the period of 17.08.2009 to 30.09.2013 by S.O. 167 dt. 12.08.2009 and subsequent orders, again substituted for the period 07.07.2015 to 30.09.2015 by S.O. 65 dt. 22.06.2015 and again substituted for the period 20.10.2015 to 30.09.2016 by S.O. 156 dt. 20.10.2015.

#3. The words "and a producer", have been inserted for the period from 07.07.2015 to 30.09.2015 by S.O. 65 dt. 22.06.2015 and again inserted for the period of 20.10.2015 to 30.09.2016 by S.O. 156 dt. 20.10.2015.

#4. Inserted by G.S.R. 52, dt. 30.03.1988, but deleted by S.O. 376, dt. 13.02.2004 .

#5. Inserted by G.S.R. 52, dt. 30.03.1988, but deleted by S.O. 83, dt. 13.04.1998 .

#6. The words 'or a producer' have been inserted by G.S.R. 52, dt. 30.03.1988, but deleted by S.O. 376, dt. 13.02.2004. These words again inserted for the period of 17.08.2009 to 30.09.2013 by S.O. 167 dt. 12.08.2009 and subsequent orders, again substituted for the period 07.07.2015 to 30.09.2015 by S.O. 65 dt. 22.06.2015 and again substituted for the period 20.10.2015 to 30.09.2016 by S.O. 156 dt. 20.10.2015 .

#7. Substituted by S.O. 217, dt. 17.03.1987.

#8. Proviso added for sugar dealer for following period –

- 22.04.2009 to 08.07.2009 by S.O. 16 dt. 21.04.2009.
- 30.07.2009 to 30.11.2011 by S.O. 144 dt. 15.07.2009 & subsequent orders.

#9. Second proviso have been added for sugar dealer by S.O. 144 dt. 15.07.2009 and remained in force upto 30.11.2011.

#10. Proviso have been added for pulses dealer for following period –

- 17.08.2009 to 30.09.2013 by S.O. 167 dt. 12.08.2009 & subsequent orders.
- 07.07.2015 to 30.09.2015 by S.O. 65 dt. 22.06.2015.
- 20.10.2015 to 30.09.2016 by S.O. 156 dt. 20.10.2015.

#11. *Proviso have been added for Edible oil seeds & oil dealer by S.O. 166 dt. 23.11.2015 and is to remain in force upto 30.09.2016.*

#12. *Substituted by S.O. 70 dt. 23.06.1992.*

4. Issue of Licence—

- (1) (a) Every application for the grant of a licence (Wholesale or retail) shall be made to the Licensing Authority in Form 'A' along with the #¹[fee determined under clause].
- (b) Every licence issued under this order shall be in Form 'C' #²[x x x x].
- (c) #³[The licence shall be one time]; and
- (d) If a licence granted under this Order is defaced, lost or destroyed, the licensee shall forthwith inform the Licensing Authority who may, on application and on the payment of prescribed fee by the licensee, issue a duplicate licence.
- (2) A dealer #⁴[x x x x] #⁴[and producer] may obtain a licence for anyone or more trade articles mentioned in Schedule I.
- (3) A separate licence shall be necessary for each place of business.
- (4) Wholesale and retail licences of the same trade article shall not be obtained for the same place of business.
- (5) More than one licence for the same trade article at one place of business in the same or different names shall not be obtained.
- #⁵[(6) In case of change of ownership of the shop during the currency of a licence, a new licence shall be issued. However renewal/ transfer will be automatic in case of inheritance.]

Comments

#1. *Substituted by S.O. 217, dt. 17.03.1987*

#2. *Deleted by S.O. 217, dt. 17.03.1987*

#3. *Substituted by S.O. 275, dt. 19.11.1997*

#4. *The words 'and producer' have been inserted by G.S.R. 52, dt. 30.03.1988, but deleted by S.O. 376, dt. 13.02.2004. The same words have been inserted by S.O. 167 dt. 12.08.2009 and subsequent orders for the period of 17.08.2009 to 30.09.2013, then inserted for period of 07.07.2015 to 30.09.2015 by S.O. 65 dt. 22.06.2015 and again inserted by S.O. 156 dt. 20.10.15 and is to remain in force upto 30.09.2016.*

#5. *Inserted by S.O. 109, dt. 30.08.1995.*

5. [x x x x]—

Comments

This clause '5. Renewal of License' have been deleted vide order S.O. 376 dt. 13.02.2004 License has to be issued one time by amendment of clause 4 (c) vide order S.O. 275 dt. 19.11.1997.

6. Fee Chargeable—

The fees for issue of licence, renewal of licence and issue of a duplicate licence shall be chargeable as may be determined by the State Government from time to time.

Comments

The State Govt. has prescribed the fees vide Notification dt. 27.07.1980 and revised the same vide notification dt. 29.01.1988, 30.08.1995 & 19.11.1997. The applicable fees are as under—

	Wholesaler	Retailer
(i) for new License	Rs. 500.00	Rs. 500.00
(ii) For Duplicate License	Rs. 100.00	Rs. 50.00

7. Deposit of Security—

Every dealer ^{#1[x x x]} ^{#1}[and producer] applying for a licence shall, before such licence is issued to him deposit with the Licensing Authority the sum specified below in cash by way of security for the due performance of the terms and conditions of the licence issued to him—

^{#2}[(i) for wholesale licence - ^{#3}[Rs. 1000]

(ii) for retail licence - ^{#3}[Rs. 500]]:

Provided that if the applicant for the grant of a licence as a dealer ^{#1[x x x]} ^{#1}[and producer] is a Cooperative Society registered under the Rajasthan Cooperative Societies Act, 1965 the amount of security to be deposited by it shall be equal to one-fourth of the amounts mentioned above.

Comments

#1. *The words 'and producer' have been inserted by G.S.R. 52, dt. 30.03.1988, but deleted by S.O. 376, dt. 13.02.2004. The same words have been inserted by S.O. 167 dt. 12.08.2009 and subsequent orders for the period of 17.08.2009 to 30.09.2013, then inserted for period of 07.07.2015 to 30.09.2015 by S.O. 65 dt. 22.06.2015 and again inserted by S.O. 156 dt. 20.10.2015 and is to remain in force upto 30.09.2016.*

#2. *Substituted by S.O. 150, dt. 06.10.1988.*

#3. *Substituted by S.O. 119, dt. 18.07.1991.*

8. Power to refuse Licence—

- (1) The Licensing Authority may, after giving the person affected an opportunity of being heard, and for reasons to be recorded by him in writing, refuse to grant or renew a licence.
- (2) The Licensing Authority shall refuse to grant or renew a licence, if:-
 - (a) the applicant is a minor or a lunatic or is of unsound mind; or
 - (b) the applicant is an undischarged insolvent; or
 - (c) three years period has not expired from the date of conviction of the applicant under the Essential Commodities Act, 1955 (Central Act 10 of 1955).
- (3) The Licensing Authority shall also refuse to grant a licence for a particular trade article, if:-
 - (a) a licence has already been issued to another dealer ^{#1[x x x]} ^{#1}[and producer] at the same place of business for the trade article for which the applicant has applied for; or
 - (b) the applicant has applied for both wholesale and retail licence for the same trade article.

Comments

#1. *The words 'and producer' inserted by G.S.R. 52, dt. 30.03.1988, but deleted by S.O. 376, dt. 13.02.2004. The same words have been inserted by S.O. 167 dt. 12.08.2009 and subsequent orders for the period of 17.08.2009 to 30.09.2013, then inserted for period of 07.07.2015 to 30.09.2015 by S.O. 65 dt. 22.06.2015 and again inserted by S.O. 156 dt. 20.10.2015 and is to remain in force upto 30.09.2016.*

9. Addition and alteration to licence:-

The Licensing Authority may make necessary additions, deletions and alterations in the entries made in the licence relating to godown, place of business, names of partners, trade articles etc. either on the application of the licensee ¹[or] *suo moto*:

²**[Provided** that the licence holder or his representative shall give intimation in writing to the licensing authority about the changes in partnership, ownership etc. within a period of 60 days from the date of such change.]

10. Contravention of conditions of licence:-

No ³[Licensee] or his agent or servant or any other person acting on his behalf shall contravene any of the terms and conditions of the licence.

11. Suspension and Cancellation of licence:-

(1) If any licensee or his agent or servant or any other person acting on his behalf contravenes any of the terms and conditions of the licence, then without prejudice to any other action that may be taken against him under the Essential Commodities Act, 1955 (Central Act 10 of 1955) his licence may be cancelled or suspended with regard to one or more trade articles by an order in writing of the Licensing Authority and an entry will be made in his licence relating to such suspension or cancellation.

⁴[(2) No order of cancellation shall be made under this clause unless the licensee has been given a reasonable opportunity of stating his case against the proposed cancellation but during the pendency or in contemplation of proceeding of cancellation of licence, the licence can be suspended by an order stating reasons in writing for a period of 30 days without giving any opportunity to the licensee of stating his case, thereafter the suspension period may be extended up to 90 days, if deemed fit after hearing and recording reasons thereof and the case shall be finally disposed off within this extended period.]

12. Disposal of trade articles when licence is suspended or cancelled ²[or renewal is refused.]

When a licence issued under this Order is cancelled or suspended, ²[or renewal is refused], the stocks of trade articles available with the dealer ^{#1}[x x x] ^{#1}[and producer] at the time of such cancellation or suspension, shall be disposed of by him within 15 days from the date of receipt of the order of cancellation or suspension.

1. Corrigendum 17.03.1987
2. Inserted by S.O. 2, dt. 30.03.1995
3. Substituted by S.O.217, dt. 17.03.1987
4. Substituted by S.O. 282, dt. 17.08.2002

Comments

#1. *The words 'and producer' inserted by G.S.R. 52, dt. 30.03.1988, but deleted by S.O. 376, dt. 13.02.2004. The same words have been inserted by S.O. 167 dt. 12.08.2009 and subsequent orders for the period of 17.08.2009 to 30.09.2013, then inserted for period of 07.07.2015 to 30.09.2015 by S.O. 65 dt. 22.06.2015 and again inserted by by S.O. 156 dt. 20.10.2015 and is to remain in force upto 30.09.2016.*

13. Consequences of conviction-

Where a licensee has been convicted by a Court of law for the contravention of any order made under section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), 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 an application by the dealer #1[x x x x] #1[and producer], whose licence has been cancelled, restore the licence to such dealer #1[x x x x] #1[and producer].

Comments

#1. *The words 'and producer' have been inserted by G.S.R. 52, dt. 30.03.1988, but deleted by S.O. 376, dt. 13.02.2004. The same words have been inserted by S.O. 167 dt. 12.08.2009 and subsequent orders for the period of 17.08.2009 to 30.09.2013, then inserted for period of 07.07.2015 to 30.09.2015 by S.O. 65 dt. 22.06.2015 and again inserted by by S.O. 156 dt. 20.10.2015 and is to remain in force upto 30.09.2016.*

14. Forfeiture of Security Deposit-

- (1) Without prejudice to the provisions of clause 11, if the Licensing Authority is satisfied that the licensee has contravened any of the terms and conditions of the licence and that a forfeiture of the security deposit is called for, it may, after giving the licensee a reasonable opportunity of stating his case, by order, forfeit the whole or any part of the security deposited by him and communicate a copy of the order to the licensee.
- (2) The licensee shall, if the amount of security at any time falls short of the amount specified in clause 7, forthwith deposit, on being required by the Licensing Authority to do so, further security to make up the deficiency.
- (3) Upon due compliance by the licensee of all obligations under the licence, the amount of security or such part thereof which is not forfeited as aforesaid, shall be refunded to the licensee after the termination of the licence.

PART - III**Restrictions relating to prices and stocks, etc.****15. [x x x x]****Comments**

This clause '15' Display of list of prices and stocks of trade articles' have been deleted vide order S.O. 275 dt. 19.11.1997. The same have been inserted for the period of 22.04.2009 to 08.07.2009 (vide order S.O. 16 dt. 21.04.2009) and again inserted for the period of 30.07.2009 to 08.01.2010 (vide order S.O. 144 dt. 15.07.2009). This term 08.01.2010 have been extended to 30.11.2011 by amending orders from time to time. The clause is reproduced as under-

'15' Display of list of prices and stocks of trade articles- Every dealer shall during the hours of his business display conspicuously in From 'E' legibly written in Hindi, a list of prices and stocks of trade articles he holds, at a place near to the entrance of his business premises:

Provided that numerals to be used in the list of prices and stocks shall either be in the Devnagari form of numerals or any international form of Indian numerals:

Provided further that in case any trade articles which is out of stock, instead of writing the prices thereof in the list, the words 'OUT OF STOCK' shall be written in bold letters against that trade article:

Provided also that the retail price of any category of trade articles, so displayed shall not exceed the retail price, if any, fixed or recommended by Central Government or the State Government or manufacture or distributor from time to time, in respect of that category of trade article."

16. [x x x x]

Comments

This clause no. "16. Sale of trade articles according to list of prices and stocks" have been deleted vide order S.O. 275 dt. 19.11.1997. The same have been inserted for the period of 22.04.2009 to 08.07.2009 (vide order S.O. 16 dt. 21.04.2009) and again inserted for the period of 30.07.2009 to 08.01.2010 (vide order S.O. 144 dt. 15.07.2009). This term 08.01.10 have been extended to 30.11.2011 by amending orders from time to time. The definition is reproduced as under-

'16. Sale of declared goods according to list of prices and stocks. -No dealer shall-

- (i) *sell or offer to sell any declared goods at a price higher than that specified in respect of such goods in the list of prices and stock; or*
- (ii) *refuse to sell such declared goods to any person at the price so specified or marked.'*

17. Obligation to give receipt-

No dealer ^{#2}[and producer] shall sell any trade article to any person without issuing a cash memo or a bill (stating his own name, quantity, quality, rate and total price charged for the article sold) and without keeping a duplicate copy of such memo or bill :

Provided that it shall not be necessary for a dealer other than a wholesaler ^{#1[x x x x]} ^{#2}[and producer] to issue any such cash memo or bill or to keep any such duplicate copy in respect of sale of any trade article costing not more than ^{#3}[Rs. 25/-] unless demanded by the purchaser.

Comments

#1. *Inserted by G.S.R. 52, dt. 30.03.1988, but deleted by S.O. 376, dt. 13.02.2004.*

#2. *Inserted by S.O. 167 dt. 12.08.2009 and subsequent orders for the period from 17.08.2009 to 30.09.2013, then inserted for period of 07.07.2015 to 30.09.2015 by S.O. 65 dt. 22.06.2015 and again inserted by S.O. 156 dt. 20.10.2015 and is to remain in force upto 30.09.2016.*

#3. *Substituted by S.O. 2, dt. 30.03.1995.*

18. Restriction on possession of trade articles-

No person shall, either by himself or by any person on his behalf, store or have in his possession at any time any trade article mentioned in Schedule-I and Schedule-II in quantity exceeding the limits fixed-

- (i) *under an order issued by the Central Government; or*
- (ii) *by the State Government with prior concurrence of the Central Government by issuing a notification in official Gazette from time to time.*

19. Requisitioning of stocks of trade articles—

Every person holding stock of trade articles mentioned in Schedule I and Schedule IT shall sell to the State Government or to any person or class of persons the whole or a specified part of his stock at such prices and in such manner as may be specified in the order of the Collector or any other Officer not below the rank of Naib Tehsildar authorised by the State Government in this behalf.

Explanation: For the purpose of this clause the prices payable to a person who is required to sell the whole or a specified part of his stock of trade articles shall be determined by the authority concerned in accordance with the provisions of sub-section (3-b) of Section 3 of the Essential Commodities Act, 1955¹[(Central Act 10 of 1955)].

20. Returns—

Every dealer ^{#1[x x x x]} ^{#1[and producer]} referred to in clause 3 shall furnish a return in form 'D' to such authority, and in such manner or for such period as may be specified from time to time by the State Government by notification in the Official Gazette.

21. Sale on permits—

The Licensing Authority may, by general or special order in writing, require any dealer ^{#1[x x x x]} ^{#1[and producer]} holding stock of a trade article, to sell such article on permits issued by the Licensing Authority or such other officer authorised in this behalf by the State Government.

Comments of Clause 20 & 21

#1. *The words 'and producer' have been inserted by G.S.R. 52, dt. 30.03.1988, but deleted by S.O. 376, dt. 13.02.2004. The same words have been inserted by S.O. 167 dt. 12.08.2009 and subsequent orders for the period of 17.08.09 to 30.09.13, then inserted for period of 07.07.2015 to 30.09.2015 by S.O. 65 dt. 22.06.2015 and again inserted by S.O. 156 dt. 20.10.2015 and is to remain in force upto 30.09.2016.*

22. Permit to be non-transferable—

No holder of permit shall transfer the permit or the trade article received on such permit to any other person without prior permission of the officer by whom the permit has been issued.

23. Revocation of permit—

The officer issuing the permit may, after giving the permit holder an opportunity of being heard, at any time revoke the permit issued under clause 21 for any of the following reasons:

- (a) that the permit has been obtained by the permit holder by misrepresentation of material particulars; or
- (b) that the provisions of this Order have been contravened by the permit holder; or
- (c) that issue of permit was, in the opinion of the officer issuing the permit, and for reasons to be recorded in writing by him, not otherwise justified.

1. Added by S.O. 217, dt. 17.03.1987.

PART - IV
Miscellaneous

24. Power to call information—

Every dealer ^{#1}[x x x x] ^{#1}[and producer] shall, when so required by general or special direction of Licensing Authority, furnish truthfully and to the best of his knowledge such particulars or information relating to any trade article, as may be required.

Comments

#1. *The words 'and producer' have been inserted by G.S.R. 52, dt. 30.03.1988, but deleted by S.O. 376, dt. 13.02.2004. The same words have been inserted by S.O. 167 dt. 12.08.2009 and subsequent orders for the period of 17.08.2009 to 30.09.2013, then inserted for period of 07.07.2015 to 30.09.2015 by S.O. 65 dt. 22.06.2015 and again inserted by S.O. 156 dt. 20.10.2015 and is to remain in force upto 30.09.2016.*

25. Power to issue directions to dealers ^{#1}[x x x x].

^{#3}**[Power to issue directions to dealers and producers.]**

The State Government or the Collector or the Licensing Authority may issue directions to any dealer ^{#1}[x x x x] ^{#2}[and producer] with regard to purchase, sale, disposal, storage or exhibition of the price and stock list of all or any of the trade articles.

Comments

#1. *Inserted by G.S.R. 52, dt. 30.03.1988, but deleted by S.O. 376, dt. 13.02.2004.*
#2. *The words "and producer" have been inserted by S.O. 167 dt. 12.08.2009 and subsequent orders for the period of 17.08.2009 to 30.09.2013, then inserted for period of 07.07.2015 to 30.09.2015 by S.O. 65 dt. 22.06.2015 and again inserted by S.O. 156 dt. 20.10.2015 and is to remain in force upto 30.09.2016.*
#3. *Heading substituted by S.O. 167 dt. 12.08.2009 and subsequent orders for the period of 17.08.2009 to 30.09.2013, then inserted for period of 07.07.2015 to 30.09.2015 by S.O. 65 dt. 22.06.2015 and again inserted by S.O. 156 dt. 20.10.2015 and is to remain in force upto 30.09.2016.*

26. Power to amend Schedules—

The State Government may, by an order notified in the official Gazette, add to or omit from the Schedules, any trade article and thereupon the Schedules shall be deemed to have been amended accordingly.

27. Inherent powers of Commissioner and Collector—

In addition to the powers specified in this Order,-

- (a) the Commissioner shall have all the powers of a Collector, and
- (b) the Collector shall have all the powers of Licensing Authority.

28. Appeal—

- (1) Any person ¹[aggrieved] by an order made by any officer under this Order may-
 - (a) if the order is made by any officer lower in rank than the Collector, appeal to the Collector, and
 - (b) if the order is made by the Collector, appeal to the ¹[Commissioner].
- (2) No such appeal shall be entertained if not preferred within 30 days from the date of receipt of the order appealed against by the appellant.

1. Corrigendum 17.03.1987.

- (3) No order which adversely affects any person shall be passed under this clause unless such person has been given a reasonable opportunity of being heard.
- (4) Pending ¹[disposal] of the appeal, the appellate authority may direct that the order against which the appeal is made shall not take effect until the appeal is disposed of.

29. Revision—

The Commissioner, suomoto or on an application, may call for the record of any case decided by the Collector or the Licensing Authority under the provisions of this Order and if he is satisfied that the Collector or the Licensing Authority:

- (a) has exercised a jurisdiction not vested in him; or
- (b) has exercised the jurisdiction vested in him with material irregularity; or
- (c) has improperly failed to exercise the jurisdiction vested in him, he may pass such order as he thinks fit.

30. Powers of entry, search and seizure etc.—

- (1) The Licensing Authority or any executive Magistrate or, Police Officer not below the rank of Deputy Superintendent, of Police or any Tehsildar or any Officer of the Food & Civil Supplies Department not below the rank of Enforcement Inspector or any other officer of the Government not below the rank of an ²[Enforcement] Inspector of the Food & Civil Supplies Department and authorised by the State Government in this behalf, within his jurisdiction, ³[officers posted at Headquarters of the Food & Civil supplies Department not below the rank of Inspector of Food Civil Supplies Department for in the entire Rajasthan] may, with a view to securing the compliance of this Order or to satisfy himself that this order has been complied with, with such assistance, if any, as he thinks fit:
 - (a) require, the owner, occupier or arty 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 has been or is being or is about to be made, to produce any books of accounts or documents showing transaction relating to such contravention;
 - (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 has been, is being or is about to be made;
 - (c) seize any books of accounts and documents which in his opinion may be useful for, or relevant to, any proceedings under the Essential Commodities Act, 1955 ⁴[(Central Act 10 of 1955)]. The person from whose custody such books of accounts or documents are seized shall be entitled to make copies thereof or to take extracts there from in the presence of an officer having the custody of such books of accounts or documents;

1. Corrigendum 17.03.1987

2. Inserted by S.O.217, dt. 17.03.1987

3. Inserted by S.O. 181, dt. 30.08.1997. This insertion was given in Hindi, English translation was not published in Gazette, this English translation has been done by editor.

4. Substituted by S.O.217, dt. 17.03.1987

- (d) search, seize and remove stocks of trade articles along with the packages, coverings or receptacles in which such stock is found, if he has reasons to believe that any provision of this Order has been or is being or is about to be contravened in respect of such stock or any part thereof and may also search, Seize and remove the animals, vehicles, vessels or other conveyance used in carrying the said trade article in contravention of the provisions of this Order and thereafter take or authorise the taking of all measures necessary for securing the production of stocks of trade article and the animals, vehicles, vessels or other conveyances so seized before the Collector and for their safe custody pending such production; and
- (e) for the purpose of such inspection etc. ask any person all necessary questions.

(2) The provisions of Section 100 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

31. Exemptions—

- (1) The State Government may, by general or special order, and subject to such conditions or restrictions as may be specified in such order, exempt any person or class of persons, or firm or association of persons or any Cooperative society from the operation of all or any of the provisions of this Order and may at any time suspend or rescind such exemption.
- (2) Nothing in this Order shall apply to the purchase, sale or storage for sale of trade articles by or on behalf of:
 - (i) The Central Government; or
 - (ii) The State Government; or
 - (iii) The officers, departments, institutions or other organisations of the State Government or such agencies as may be approved by the State Government.

32. Repeal and Savings—

- (1) From the date of commencement of this Order, the Orders mentioned in Schedule III shall stand repealed and the provisions of this Order shall have effect notwithstanding any thing to the contrary contained in the Orders repealed by this sub-clause.
- (2) The repeal of the Orders referred to in sub-Clause (1) shall not affect anything done or omitted to be done or any action taken under the Orders so repealed and the provisions contained in the Rajasthan General Clauses Act, 1955 shall apply to such repeal as they apply to the repeal of any Rajasthan Act.

Schedule-I
Part 'A'

#1[x x x x]

#2[x x x x]

#3[Pulses (whole or split)]

(1) Urad	(6) Lobia
(2) Moong	(7) Rajmaha
(3) Arhar	(8) Gram
(4) Masoor	(9) Peas
(5) Moth	(10) Any other Dal]

Comments

- #1. This part 'A' related to 'food Grains', remained in force till Februray 2004 and same have been omitted vide order S.O. 376 dt. 13.02.2004.
- #2. This Part 'A' have been inserted vide order S.O. 65 dt. 22.06.2015 upto 30.09.2015. This subsituted part related to 'Pulses (whole or split)', included (1) Urad, (2) Mong, (3) Arhar, (4) Masoor, (5) Moth, (6) Lobia, (7) Rajmaha, (8) Gram, (9) Peas, (10) Any other Dal.
- #3. This Part 'A' related to "Pulses", have been inserted vide order S.O. 156 dt. 20.10.2015 upto 30.09.2016.

Part 'B'

#1[x x x x]

#2[x x x x]

#3[Edible oil (Filtered or refined)]

(1) Mustard oil	(8) Ground Nut oil
(2) Rape seed oil	(9) Sunflower oil
(3) Raida oil	(10) Ricebran oil
(4) Taramira oil	(11) Cotton seed oil
(5) Toria oil	(12) Hydrogeneted vegetable oil
(6) Soyabeen oil	(13) Alsi oil
(7) Til oil	(14) Imported edible oil]

Comments

- #1. This part Part 'B' (related to 'pulses') reamined in force till Februray 2004 and same have been omitted vide order S.O. 376 dt. 13.02.2004.
- #2. Part 'B' subsituted vide order S.O. 167 dt. 12.08.2009 upto 30.09.2009, but this date have been extended upto 30.09.2014 vide amending orders S.O. 232 dt. 30.09.2009, S.O. 293 dt. 30.09.2010, S.O. 95 dt. 30.09.2011 and S.O. 147 dt. 01.10.2012. This subsituted part related to 'Pulses (whole of split)' included [(1)Urad (2) Moong (3) Arhar (4) Masoor (5) Moth (6) Lobia (7) Rajmaha (8) Gram (9) Peas (10) Any other Dal].
- #3. This part Part 'B' related to 'Edible oil (Filtered or refined)' inserted vide orders S.O. 166 dt. 23.11.2015 upto 30.09.2016.

Part 'C'

#1[x x x x]

#2[Edible oil-seeds

(1) Mustard	(6) Soyabean
(2) Alsi	(7) Til
(3) Raida	(8) Ground Nut
(4) Taramira	(9) Any other Edible oilseed
(5) Toria	(10) Imported oil-seeds]

Comments

#1. This part Part 'C' related to 'Edible oil seeds', reamined in force till April 1998 and same have been omitted vide order S.O. 83 dt. 13.04.1998.

#2. This part Part 'C' related to 'Edible oil seeds' have been inserted vide orders S.O. 166 dt. 23.11.2015 upto 30.09.2016.

Part 'D'

[x x x x]

Comments

This Part 'D' related to 'Edible oil' have been omitted vide order S.O. 83 dt. 13.04.1998.

Part 'E'**(Other Articles)**

1. #1[x x x x] #2[x x x x] #3[x x x x]
2. #4[x x x x] #5[x x x x]
3. #6[White Kerosene oil under the parallel marketing system]
4. #7[x x x x]
5. #8[x x x x]

Comments

#1. This item related to sugar have been omitted vide order S.O. 47, dt. 19.04.2002.

#2. This item related to sugar have been added vide order S.O. 16, dt. 21.04.2009 for the period of 21.04.2009 to 08.07.2009.

#3. This item related to sugar have been added vide order S.O. 144, dt. 15.07.2009 for the period of 15.07.2009 to 08.01.2010. This expiry date have been extended up to 30.11.2011 vide amending orders S.O. 333 dt. 08.01.2010, S.O. 292 dt. 30.09.2010, S.O. 536 dt. 31.12.2010 and S.O. 11 dt. 31.03.2011.

#4. This item related to 'Gud' have been deleted by S.O. 376, dt. 13.02.2004.

#5. This item related to 'Khandsari' have been deleted by S.O. 47, dt. 19.04.2002.

- #6. *This item related to 'Kerosene Oil' have been substituted with words 'White Kerosene oil under the parallel marketing system' by S.O. 282, dt. 17.08.2002.*
- #7. *This item related to 'Coal' have been deleted by S.O. 282, dt. 17.08.2002.*
- #8. *This item related to 'Onion and Potato' have been added by S.O. 137, dt. 12.08.2014 for the period of 12.07.2014 to 02.07.2015.*

#1|Schedule - II

- 1. Exercise Books.
- 2. Fertilizers.
- 3. Bread
- 4. Desi Ghee.
- 5. Nationalized Text Books (which are published by Rajasthan State Text Book Board or Board of Secondary Education Rajasthan, Ajmer under their authority of copy right)
- 6. Butter Oil.
- 7. Cement.]
- 8. #2[x x x x]
- 9. #2[x x x x]

Comments

- #1. *Substituted by S.O. 109, dt. 30.08.1995.*
- #2. *Item no. '8. Food Grains (Wheat) & 9. pulses (whole or split)' have been inserted for the period of 25.02.2009 to 30.04.09 by S.O. 17 dt. 25.02.2009.*

Schedule - III
(List of orders repealed)

- 1. The Rajasthan Food grains Dealers Licensing Order, 1964.
- 2. The Rajasthan Sugar Dealers Licensing Order, 1967.
- 3. The Rajasthan Kerosene Oil Dealers Licensing Order, 1971.
- 4. The Rajasthan Khandsari & Gur Dealers Licensing Order, 1972.
- 5. The Rajasthan Wheat (Regulation of Trade) Order, 1973.
- 6. The Rajasthan Edible Oils & Oilseeds Dealers Licensing Order, 1977.
- 7. The Rajasthan Pulses Dealers Licensing Order, 1977.
- 8. The Rajasthan (Display of Prices & Stocks of Essential Commodities) Order, 1977.
- 9. The Rajasthan Food grains (Restriction on Hoarding) Order, 1977.

FORM 'A'

[See Clause 4(1) (a)]

Application for grant of Wholesale/Retail Licence

To,

The Licensing Authority,

.....

Sir,

I hereby apply for the grant of a licence under the Rajasthan Trade Articles (Licensing & Control) Order, 1980. The required particulars are given here under:

1. Applicant's particulars.

Name..... S/o..... Age..... Caste.....

2. Residential address of applicant.

(a) House No..... (b) Mohalla.....
 (c) Village/Town..... (d) Tehsil.....

3. Name/Style in which licence is required.....

4. Situation of applicant's place of business.

(a) House/Shop No..... (b) Mohalla/Market.....
 (c) Village/Town..... (d) Tehsil.....

[Note :- A site plan or sketch map of business premises be enclosed]

5. Name of Partners, if any, of the firm:-

(1) Shri..... S/o..... Age..... Caste.....
 (2) Shri..... S/o..... Age..... Caste.....
 (3) Shri..... S/o..... Age..... Caste.....
 (4) Shri..... S/o..... Age..... Caste.....

[Note:- In case of partnership firm. an attested copy of partnership deed shall be enclosed]

6. Particulars of trade articles in which the applicant wants to carry on business:-

As a wholesaler

As a retailer

1.	1.
2.	2.
3.	3.
4.	4.

7. Did the applicant previously hold a licence of the trade articles for which licence has now been applied for? If so, give details :-

- Name of Trade article.....
- Licence No.
- Amount of security deposited with challan No. and date.....

8. Does the applicant want to get the security mentioned at item 7 above adjusted toward the security of the licence now applied for? If so, give its challan No., date and amount.

9. How long has the applicant been trading in the trade articles for which the licence has been applied for?

10. Particulars regarding stocks of trade articles in possession on the date of application.

11. Complete address (with house No. Mohalla etc.) of godowns or place where trade articles for which licence has been applied will be stored-

-
-
-
-

[Note:- A site plan or sketch map of godowns shall be enclosed.]

12. Has the applicant ever been convicted by a Court of law for contravention of any order issued under Essential Commodities Act, 1955 during last 3 years?

13. Particulars of suspension or cancellation of the licence held by the applicant during last 3 years.

14. Whether the applicant was declared or adjudged as insolvent by a Court?

¹[15. In case of Co-operative Society/Company, the names and addresses of all office bearers/directors etc. shall be furnished.

Name and address	Designation
1.
2.
3.
4.

I declare that the particulars mentioned at item No.1 to 14 above are true to the best of my knowledge and belief and nothing has been concealed therein.

I have carefully read the provisions of the Rajasthan Trade Articles (Licensing & Control) Order, 1980 and I agree to abide by them.

Place.....

Date.....

¹[(Signature of Proprietor/Partner/Director/Manager)]

1. Inserted by S.O. 2, dt. 30.03.1995.

FORM 'B'

[See Clause 5]

Application for renewal of licence No.....

To,

The Licensing Authority,

.....

Sir,

I hereby apply for renewal of my licence No issued to me under the Rajasthan Trade Articles (Licensing & Control) Order, 1980. The required particulars are given below:-

1. Date on which the licence expires.....
2. Name in which the licence stands.....
3. For how many years the renewal is desired?
4. Details of the action, if any, taken against the licensee during the last three years for contravention of an order issued under the Essential Commodities Act, 1955.....

I hereby declare that the particulars mentioned above are correct to the best of my knowledge and belief, and nothing has been concealed therein.

Place.....

Date.....

[Signature of applicant]

FORM 'C'

[See Clause 4(1)(b)]

The Rajasthan Trade Articles (Licensing & Control) Order, 1980**LICENCE**

- (i) Licence No: Wholesale/Retail.
- (ii) Security deposited Rs. vide challan No. & Date.....
- (iii) Name of dealer ¹[x x x x] along with partners, if any -

1.
2.
3.

1. Inserted by G.S.R. 52, dt. 30.03.1988, but deleted by S.O. 376, dt: 13.02.2004.

TERMS AND CONDITIONS

1. Subject to the provisions of the Rajasthan Trade Articles (Licensing & Control) Order, 1980 and to the terms and conditions of this licence, Mr./Mrs. is/are hereby authorised to purchase, sell or store for sale #1[x x x x] #2[x x x x] #3[x x x x] #4[x x x x] #5[, milling, expelling, extracting, manufacturing packing, repacking, labeling, relabeling or refining] the under mentioned trade articles -

As wholesaler	As retailer
1.	1.
2.	2.
3.	3.
4.	4.

Comments

#1. *Inserted by G.S.R. 52, dt. 30.03.1988, but deleted by S.O. 376, dt: 13.02.2004.*

#2. *Expression 'or milling, expelling, extracting, manufacturing or refining' inserted upto 30.09.2013 by S.O. 167 dt. 12.08.2009 and subsequent orders.*

#3 *Expression 'or milling any of the whole pulses or manufacturing of pulses' inserted upto 30.09.2015 by S.O. 65 dt. 22.06.2015, same expression again inserted by S.O. 156 dt 20.10.2015 and is to remain in force upto 30.09.2016.*

#4. *Expression inserted at #3 substituted with expression "or milling, expelling, extracting, manufacturing or refining" by S.O. 166. dt. 23.11.2015 and remained in force for the period from 23.11.2015 to 08.12.2015.*

#5. *Expression substituted at #4, again substituted by S.O. dt. 08.12.2015 and is to remain in force upto 30.09.2016.*

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

(b) Trade articles in which the aforesaid business is to be carried on shall not be stored at any place other than the godowns mentioned below :

1.
2.
3.
4.

¹[**Comments:**

If licensee has the intention to store the trade articles at a separate location from the locations specified above, then he shall make complete and correct entry of such premises in his stock register and same has to get verified by the Adhyaksh or Mantri of local Khadya Vyapar Sangh. If verification by the Adhyaksh or Mantri is not possible or in case of dispute, verification shall be get done by the licensing authority.]

1. Inserted by S.O. 85, dt. 29.05.1997. This insertion of comments have been given in Hindi, English translation was not published in Gazette, this English translation has been done by editor.

¹[(c) Licensee shall not permit any other person to stock in his godown, trade articles similar to the trade article's in which the licensee is, trading.

(d) The licensee shall display his name and licence number at the conspicuous place of his godown.]

3. (a) The licensee shall maintain a stock register of daily accounts in form 'F' for the trade articles mentioned in paragraph-1 showing correctly;

- (i) The opening stock on each day;
- (ii) The quantities received on each day showing the place from where and, the source from which received;
- (iii) The quantities delivered or otherwise removed on each day showing places of destination; and
- (iv) The closing stock on each day.

Explanation: The licensee may maintain more than one stock register for the various trade articles and may allot separate page(s) for each trade article.

(b) The Licensee shall enter all the transactions held on telephone or through bility or otherwise relating to purchase or sale of trade articles in the stock register. In case the purchased trade articles are not received physically by the licensee on the date of entering into any transaction, a note shall be recorded in this behalf in the stock register.

(c) The quantities of the various trade articles shall be entered in the stock register as under:

- (i) ^{#1}[x x x x] ^{#2}[x x x x] ^{#3}[x x x x] ^{#4}[x x x x]
^{#5}[pulses-in quintals;]
- (ii) ^{#6}[x x x x]
^{#7}[edible oilseeds and oils in quintals /kilos]
- (iii) Kerosene Oil (In litres)
- (iv) ^{#8}[x x x x]

Comments

- #1. Words 'Food Grains, sugar, Gud, Khandsari, oilseeds and pulses-in Quintels or Kilograms' deleted by S.O. 376, dt. 13.02.2004.
- #2. Words 'Sugar -in Quintals/Kilograms' added by S.O. 16, dt. 21.04.2009 for the period of 21.04.2009 to 08.07.2009.
- #3. Words 'Sugar -in Quintals/Kilograms' added by S.O. 144, dt. 15.07.2009 and remainind in force upto 30.11.2011.
- #4. Words 'pulses-in quintals' added by S.O. 65, dt. 22.06.2015 and remainind in force upto 30.09.2015.
- #5. Words 'pulses-in quintals' added by S.O. 156, dt. 20.10.2015 upto 30.09.2016.
- #6. Words 'Edible Oil - in tins or kilograms' deleted by S.O. 83, dt. 13.04.1998.
- #7. Words 'edible oilseeds and oils in quintals /kilos' added by S.O. 166, dt. 23.11.2015 upto 30.09.2016.
- #8. Words 'Coal - in Quintals/Kilograms' deleted by S.O. 376, dt. 13.02.2004.

(d) The licensee shall complete the entries in the stock register for each day latest by the beginning of the transactions on the following day, unless prevented by reasonable cause, the burden of proving which shall lie upon him.

1. Substituted by S.O. 2, dt. 30.03.1995.

(e) #1[x x x x] #2[x x x x] #3[A licensee, who himself is a producer of whole pulses, shall separately show the stocks of his own produce in the stock register, if such stocks are stored in his business premises.

Comments

#1. This item (e) have been deleted by S.O. 376, dt. 13.02.2004.

#2. The same deleted item (by S.O. 376, dt. 13.02.2004) have been inserted for the period from 17.08.2009 to 30.09.2013 by S.O. 167 dt. 12.08.2009. The item was as under-

'(e) A licensee, who himself is a producer of food grains, Oilseeds or whole pulses, shall separately show the stocks of own produce in the stock register, if such stock are stored in his business premises.'

#3. New item (e) inserted upto 30.09.2015 by S.O. 65 dt. 22.06.2015, same expression again inserted up to 30.09.2016 by S.O. 156 dt 20.10.2015. The item was as under-

'(e) A licensee, who himself is a producer of whole pulses, shall separately show the stocks of his own produce in the stock register, if such stocks are stored in his business premises.'

#1[(f) A licensee, who himself is a producer of edible oilseeds shall separately show the stocks of his own produce in the stock register, if such stocks are stored in his business premises.]

Comments

#1. This item (f) have been inserted by S.O. 166, dt. 23.11.2015 upto 30.09.2016.

4. The Licensee shall not contravene the provisions of this Order or any other law relating to essential commodities for the time being in force.

5. The licensee shall not -

- enter into any transaction involving purchase, sale or storage for sale of trade articles in speculative manner prejudicial to the maintenance and easy availability of their supplies in the market;
- sell or offer to sell -any trade article at a price higher than that specified in respect of such article in the list of prices and stocks;
- refuse to sell to any person any trade articles kept for sale at the price specified in the list of prices and stocks; and
- keep in his possession stocks of trade articles exceeding the limits fixed under clause 18.

6. #1[x x x x] #2[x x x x]

Comments

#1. This condition no. (6) have been deleted by S.O. 275, dt. 19.11.1997. The condition was as under-

"6. The licensee shall display conspicuously in Form 'E' legibly written in Hindi a list of prices and stock of the trade articles he deals within accordance with the provision of clause 15."

#2. Above mention condition at #1 have been added for the period of 21.04.2009 to 08.07.2009 by S.O. 16, dt. 21.04.1987 and again added for the period of 30.07.2009 to 30.11.2011 by S.O. 144, dt. 15.07.2009 and subsequent orders.

7. The license shall issue to every customer of such trade article a cash memo or invoice, as the case may be, giving his own name and licence No., name, address and licence number (if any) of the customer, the date of transaction, the quantity sold and the price charged. He shall keep a duplicate of the same to be available for inspection on demand by the licensing authority or any other officer authorised in this behalf:

Provided that it ,shall not be necessary for a retailer to issue any such cash memo or invoice or to keep any such duplicate in respect of sale of trade article costing not more than ¹[Rs. 25/-] unless demanded by the Customer.

8. The licensee shall furnish correctly such information relating to the business as may be demanded from him and shall carry out such instructions as may, from time to time, be given by the Licensing Authority.

9. The licensee shall give all facilities at all reasonable times to the inspecting authority for the inspection of his stocks and accounts at any shop, godowns or other places used by him for the storage, sale or purchase and for the taking of samples of the trade articles mentioned in paragraph 1 for examination.

10. The Licensee shall comply with any direction that may be given to him by the State Government or the Collector or the Licensing Authority with regard to the purchase, sale and storage for sale, of these trade articles and in regard to the language in which the registers, returns, receipts or invoices shall be written and in regard to the authentication and maintenance of the register mentioned in paragraph 3 above.

11. The licensee shall, in case when he functions in a 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 recognised by the State Government in this behalf.

12. Every licensee shall take adequate measures to ensure that the trade articles stored by him are maintained in proper condition and that damages to these articles due to ground moisture, rains, insects, rodents, birds, fire and such other causes are avoided. The licensee shall also ensure that fertilizers, insecticides and poisonous chemical likely to contaminate such articles are not stored along with these articles in the same godowns or in immediate juxtaposition to the stocks of the trade articles.

13. The licensee shall supply or sell the trade articles to the consumer or dealers in the same quantity or weight and at a price marked on the container/package, but if any shortage limit is allowed by any order of the Central Government or State Government the same will be deducted from the marked quantity or weight.

14. ²[x x x x]

15. ²[x x x x]

Place

Date

(Licensing Authority)

1. Substituted by S.O. 2, dt. 30.03.1995.

2. Deleted by S.O. 275, dt. 19.11.1997.

FORM 'D'

[See Clause 20]

Return for the period

Name *Licence No Whole sale/Retail

S. No.	Name of trade article	Stocks at the beginning of fortnight/month	Stock purchased or otherwise received during fortnight/ month	Total	Stock sold or otherwise removed during the fortnight/ month	Stock at the end of the fortnight/ month	Remarks
1	2	3	4	5	6	7	8

Place

Date

Signature

To,

The Licensing Authority

.....

N.B.-

- I. Weight is to be entered in quintal/litre/tonne.
- II. Goods pledged with Bank, Cooperative Society etc. are also to be included in the above figures and a note be given in remarks column.
- III. Fraction need not be mentioned. Figures may be rounded off to the nearest quintal/litretonne.
- IV. ²[x x x x].

* Not to be given in case of a person having no licence.

FORM - 'E'²[x x x x]**Comments**

Form 'E' related to "List of Prices and Stocks of Trade Articles" have been deleted by S.O. 275 dt. 19.11.1997. The same have been inserted for the period of 22.04.2009 to 08.07.2009 (vide order S.O. 16 dt. 21.04.2009) and again inserted for the period of 30.07.2009 to 08.01.2010 (vide order S.O. 144 dt. 15.07.2009). The expiry date 08.01.10 have been extended to 30.11.2011 by amending orders from time to time.

FORM 'F'

[See condition 3 of the licence]

STOCK REGISTER

Name of Trade Article

Date	Opening balance	Receipts	Source of receipts	Total (Col. 2+3)	Deliveries /sales	Place of destination	Closing balance	Remark
1	2	3	4	5	6	7	8	9

(No. F. 17(39) Food/Sup./Legal/77)

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1. Deleted by S.O. 376. dt. 13.02.2004.

2. Deleted by S.O. 275. dt. 19.11.1997.