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(TO BE PUBLISHED IN PART IV OF DELHI GAZETTE EXTRAORDINARY)

DELHI ADMINISTRATION: DELHI
(FOOD AND SUPPLIES DEPARTMENT)

ORDER

Dated the 22.9.77

No.F.3(2)/77-F&S(P&C)- Whereas the Administrator of the Union Territory of Delhi is of opinion that for the maintenance of supplies and forequitable distribution and availability of certain essential commodities at fair prices it is necessary and expedient so to do:

Now, therefore, in exercise of powers conferred by Section 3 of the Essential Commodities Act, 1955(10 of 1955) read with the Government of India, Ministry of Agriculture(Deptt. of Food) Notification GSR 316(E) dated the 20th June, 1972, GSR 168(E) dated the 13th March 1973 and also with the Government of India, Ministry of Industry & Civil Supplies S.O. No. 681(E) and S.O. No.682(E) dated the 30th November, 1974 and with the prior concurrence of the Central Govt. the Administrator is pleased to make the following Order, namely:-

1. Short title, extent and commencement. (1) This Order may be called the Delhi (Display of Prices and Stocks of Scheduled Essential Commodities) Order, 1977.
 - (2) It shall extend to the whole of the Union Territory of Delhi.
 - (3) It shall come into force at once.

2. Definitions: In this Order, unless the context otherwise requires:

- (a) "article" means an essential commodity included in the Schedule;
- (b) "Commissioner" means the Commissioner, Food and Supplies, Delhi, and includes the Deputy Commissioner, Food & Supplies, Delhi, the Assistant Commissioner, Food & Supplies, Delhi and any other officer authorised by the Commissioner to exercise all or any of the powers or perform any of the functions of the Commissioner under this Order;
- (c) "dealer" in relation to an article means a person who or a firm which, carries on, directly or otherwise, the business of selling, supplying or distributing any article whether for cash or for deferred payment or for commission, remuneration or other valuable consideration in a shop and does not include a manufacturer or producer thereof;

- (d) "Label" means any written, marked, stamped, printed or graphic matter affixed to, or tagged to an article;
- (e) "Price" means the price payable by a customer:-
 - (i) inclusive of local taxes in case of articles for which local sales tax is chargeable at the first point of sale; and
 - (ii) exclusive of local sales tax in all other cases.
- (f) "Schedule" means the Schedules appended to this Order;
- (g) "Shop" with all its grammatical variations and cognate expression, means business premises where articles are kept for sale but does not include a godown or a warehouse used separately for bulk storage.

3. Display of Prices of Articles: - Unless the price is already displayed on the article itself or its container packet or wrapper or required to be displayed in a particular form and manner under any other law for the time being in force, every dealer shall display the price of every article included in Schedule-I in his shop in any one of the following manners:-

- (a) by affixing or tagging a label to each article;
- (b) by writing the price in ink on each article;
- (c) by putting a placard at the place where one or more of the same articles are kept;
- (d) in such other manner as may be specified by the Commissioner from time to time;

Provided that unless otherwise directed by the Commissioner it shall be deemed sufficient for purposes of this clause if one card or placard, as the case may be, is displayed in front of each stock of an article and if an article is stored in the shop, the display of price on all such articles in store need not be made if price on one or more of the same article is displayed in the shop.

Provided further that in case of fresh stock received by a dealer, the price in terms of this clause shall be displayed by him within 48 hours from the time of receipt of the article in his shop or before any article from such fresh stock is offered for sale, whichever is earlier.

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Display of stocks of Articles :- Unless, where the stocks of any article is required to be displayed in a particular form and manner under any other law for the time being in force, every dealer shall, before commencement of business on any day, display conspicuously on a stock board as near to the entrance of his business premises as possible in legible and bold letters, the stock position of each article included in schedule -II by writing therein the words "available" against each article in stock and the words "not available" against each of those not in stock.

5. Addition/Omission of articles from schedule.- The Commissioner may with the prior approval of the administrator by order notified in the Official Gazette add to or omit from any schedule any article and thereupon the schedule shall be deemed to be amended accordingly.

6. Prohibition of refusal to sell and charging of higher price etc. :-

No dealer shall :-

- (a) refuse to sell any article to any customer;
- (b) charge price exceeding the price displayed or marked;
- (c) require any customer of any article to purchase at the same time any other article whether included in the schedule or not as condition of sale of that article; or
- (d) refuse to issue cash memo for the sale of an article if so demanded by the customer,

Provided that the provision contained in para (a) shall not apply to such articles which the dealers are required to sell/hold for sale in accordance with the directions issued under clause 7 of this order or a scheme of distribution approved in writing by the Commissioner.

7. Power to Issue Directions.- Every dealer shall comply with any direction that may be given to him, from time to time by the Commissioner with regard to sale, storage for sale, displaying of price of stocks or issue of cash memo in respect of any article and in regard to the form and manner for the maintenance of accounts and submission of returns.

8. Power to call for information.- Every dealer shall, when so required by general or special directions by the Commissioner furnish truthfully and to the best of his knowledge, such particulars or information relating to any article or stocks or source of purchase of any article as may be required of him.

9. Power of entry, search, seizure etc. (1) The Commissioner or a magistrate or any police officer not below the rank of Inspector or any officer of the Food & Supplies Department; not below the rank of Sub-Inspector or any other officer not below the rank of Inspector authorised by the Commissioner in writing in this behalf, may with such assistance as he thinks fit:-

(a) require the owner, occupier or any other person in charge of any place, premises, vehicle or vessel where any article is stored or reported to be stored to make any statement or furnish any information or produce any book of account or other documents showing transaction relating to that article and every person required shall comply with such requisition.

(b) inspect any stocks of any article, books of accounts or other documents pertaining to any article and for that purpose enter any premises used or believed to be used for sale or storage of any article;

(c) enter, inspect or break open and search or to inspect and search, seal and unseal, any place, premises, vehicles or Vessels 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 committed;

(d) seize any documents or books of account or take or cause to be taken extracts form or copies of any documents showing transactions relating to any article;

(e) search, seize and remove stocks of all or any of the articles in respect of which any contravention of this order appears to be involved together with packages, coverings, receptacles, vehicles or vessels in which such articles are found stored or carried in contravention of the provision of the Order and thereafter take or authorise the taking of all measures necessary for securing the production of stocks of such articles and the packages coverings, receptacles, vehicles or vessels so seized in a court of law and for their safe custody pending such production;

(f) Seize any article, books of accounts and documents which in his opinion would be useful for, or relevant to any proceedings under this Order.

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

10.

EXEMPTIONS:

The Commissioner may with the prior approval of the Administrator by order in writing exempt any dealer or class of dealers, from the operation of all or any of the provisions of this Order, and may at any time in the like manner revoke or rescind such exemption.

By Order

Sd/-

(B. PRASAD)

DY. SECRETARY (FOOD & SUPPLIES)
DELHI ADMN:DELHI

Dated: 22.9.77

No. F.3(2)/77-F&S(P&C)/21343

Copy forwarded to the:-

1. Secretary to Govt. of India, Ministry of Industry, New Delhi.
2. Secretary to Govt. of India, Ministry of Civil Supplies & Cooperation, New Delhi.
3. Secretary to Govt. of India, Ministry of Home Affairs, N. Delhi
4. Secretary to I.G./E.C.(H)/ECs/P.S. to C.S., Delhi.
5. P.A. to CFS/DCs/ACs/FSOs/All Circles/All Branches of Head Quarters.
6. Public Relation Department (2 Copies) for publication in Delhi Gazette Extraordinary. 100 copies of the Gazette may kindly be supplied for official use.
7. Under Secretary (Language) Delhi Administration, Delhi (2 Copy)
8. Under Secretary (Law) Delhi Admn., Delhi (2 copies)
9. Director, Information and Publicity, Delhi Admn., Delhi.
10. I.G. Police, Delhi (7 copies)/D.C. Delhi (25 copies).
11. The President, Delhi Grain Merchants Assn., 156/41, Naya Bazar, Delhi.
12. The General Secretary, Foodgrains and Oilseeds Dealers Assn., 3979, Naya Bazar, Delhi.
13. Delhi Provision Merchants Association, Exchange Building 13-Alipur Road, Delhi.
14. Hony. Secretary, Sadar Bazar Merchants Association, 11-Maraina Market, Sadar Bazar, Delhi-6.
15. Director of Prosecution, Delhi Administration, Delhi.
16. P.A. to Financial Commissioner, Delhi Admn., Delhi.
17. National Cooperation Consumers Federation Limited, Deepali (5th Floor) 92, Nehru Place, New Delhi.
18. Vypar Bharti, 30-Coronation Bldg. Chandni Chowk, Delhi.

Sd/-

(B. PRASAD)

DY. SECRETARY: FOOD & SUPPLIES

SCHEDULE I
(See Clause 3)

1. Wheat, atta, maida and suji
2. Rice
3. Gram and gram flour
4. Pulses
5. Salt & Spices
6. Sugar, Khandsari and Gur
7. Edible Oils and H.V.Oils
8. Milk including Tinned Milk, Baby foods and Milk powders
9. Bread and Biscuits
10. Matches
11. Candles
12. Dry cells and batteries for torches & transistor radios
13. General Lighting service Lamps and Fluorescent Tubes
14. Toilet and washing soaps
15. Paper of all varieties including exercise books
16. Tyres and Tubes of all vehicles including animal and hand driven.
17. All textiles whether of cotton, woollen, silken, synthetic fibres or mixtures thereof.
18. Sweets & Namkeens
19. Ice
20. Kerosene Oil
21. Petrol
22. H.S. Diesel Oil
23. Soda Ash
24. Cement (Levy and Non Levy)

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SCHEDULED II
(SEE CLAUSE 4)

1. Wheat, atta, maida and Suji
2. Rice
3. Gram and gram flour
4. Pulses
5. Sugar and Khandsari
6. Edible Oils and H.V.Oils
7. Tinned Milk, Baby Foods and Milk powders
8. Bread
9. Dry cells and batteries for torches and transistor radios
10. Tyres and tubes of trucks, buses and tractors
11. Paper of all varieties including Exercise Books
12. Ice
13. Kerosene Oil
14. Petrol
15. H.S. Diesel Oil
16. Soda Ash
17. Cement(Levy and Non Levy)