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Ministry of Petroleum And Natural Gas

Notification

New Delhi, the 2nd September, 1993

G.S.R. 584(E).- In exercise of the powers conferred by section 3 of the essential Commodities Act, 1995 (10 of 1955), the Central Government hereby makes the following Order, namely:-

1. Short title and commencement:

- (1) This Order may be called the Kerosene (Restriction on. Use and Fixation of Ceiling Price) Order, 1993.
- (2) It extends to the whole of India
- (3) It shall come into force on the date of its publication in the Official Gazette.

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

- (a) "Chief Controller of "Explosives" shall have the same meaning as assigned to it in the Indian Explosives Act, 1884 (4 of 1384);
- (b) "Consumer" means a person, firm, company, institution, association of persons, co-operative society or organization who is authorised by the Central or State Government to use Kerosene for cooking and illumination;

(c) "dealer" means a person, firm, association of person, company, institution, organisation or a co-operative society approved by Government Oil Company or Central or State Government or a parallel marketer and engaged in the business of buying and selling kerosene;

(d) "declared price" in relation to kerosene sold under the public distribution system means the maximum selling price declared by the Central Government, from time to time with reference to an area and shall include such other charges, rates, duties and taxes, prescribed:-

(i) by the State Government or District Collector in the case of an area in a State, or

(ii) by the administrator of the Union Territory, in the case of an area in a Union Territory:

(e) "kerosene" means a middle distillate mixture of hydrocarbons meeting BIS specification No : IS-I459 of 1974 with important characteristics of flash point at a minimum of 35°C and smoke point at a minimum of 18 mm.

(f) "Government Oil Company" means,

(i) the Indian Oil Corporation Limited,

(ii) the Bahrain Petroleum Corporation Limited,

(iii) the Hindustan Petroleum Corporation Limited,

(iv) the IBP Co. Limited,

(v) the Oil and Natural Gas Commission,

(vi) the Gas Authority of Indian Limited,

(vii) the Oil India Limited, or

(viii) any other Government Company or a Statutory body declared by notification to be a Government Oil Company by the Central Government for the purpose of this order;

(g) "Indian Standard" shall have the same meaning as assigned to it in clause (g) of section 2 of the Bureau of Indian Standards Act, 1986 (63 of 1986);

(h) "parallel marketer" means any person, firm, company institution, association of persons, co-operative society or organization carrying on the business of importing, refining, producing, packing, marketing distributing and selling kerosene under the parallel marketing system;

(i) "parallel marketing system" means the system other than the public distribution system, under which a person imports transport, packs, distributes or sells kerosene under his own arrangement;

(j) "public distribution system" means the system of distribution marketing or selling of kerosene at declared price through a distribution system approved by the Central or State Government;

(k) "storage point" means the premises approved or licensed by the Chief Controller of Explosives;

(l) "transporter" means a person authorized by a Government Oil Company, parallel marketer or a distributor for transportation of kerosene.

3. Restriction on use of kerosene supplied under public distribution system-

(1) No person shall use kerosene supplied under the public distribution system for any purpose other than cooking and illumination:

Provided that the Central or State Government may by order permit any person to use kerosene for such other purposes as it may specify in that order.

(2) No dealer appointed under the public distribution system or a transporter shall sell, distribute or supply, kerosene under the public distribution system to any person other than the person to whom the supplies are meant for;

4. Procurement, storage and sale of kerosene under the public distribution system:-

(1) No dealer having stocks of kerosene supplied under the public distribution system at the business premises, including the place of storage:-

(a) shall, unless otherwise directed by the Government or Government Oil Company, refuse to sell, distribute or supply the kerosene to any consumer on any working day, during working hours.

(b) shall keep his business premises, including the place of storage, closed during working hours on any working day without the prior written permission of the Government or the Government Oil Company,

(c) shall sell, distribute or supply kerosene at a price higher than that fixed by the Government or Government Oil, Company.

(2) Every dealer appointed under the public distribution system shall take all reasonable steps to ensure that adequate stocks of kerosene are available at the business premises including the place of storage at all times.

Explanation- for the purpose of sub-clause

(1) the expression "working hours" means the working hours fixed by the concerned Oil Company in accordance with the Shops and establishments act in force in the respective State or Union Territory.

5. Display of stock and price by dealers appointed under public distribution system-

Every dealer appointed under the public distribution system shall prominently display at the place of business including the place of storage on a conspicuous place a stock-cum-price board showing:-

- (i) the opening stock of kerosene;
- (ii) the quantity received during the day;
- (iii) the quantity sold, delivered or otherwise disposed of during the day;
- (iv) the closing stock of the day; and
- (v) such other particulars as the Government or Government Oil Company may by order in writing specify in this regard.

6. Maintenance of Registers, Account Books and submission of returns by a dealer under the public distribution system-

Every dealer appointed under the public distribution system shall maintain proper accounts of daily purchase, sale any storage of kerosene at the business premises, everyday indicating there-in:-

- (i) the opening stock of kerosene;
- (ii) the quantity received during the day;
- (iii) the quantity sold, delivered or other wise disposed of furring the day;
- (iv) the closing stock; and
- (v) such other particulars as the Government or Government Oil Company may by order in writing, specify in this regard.

7. Maintenance of records and furnishing of information by parallel marketeer-

(a) Every parallel marketeer before commencing the import, transportation, packing, marketing", distribution or sale of kerosene shall intimate to the Central Government in

the Ministry of Petroleum and Natural Gas his intention to engage in all or any one of the above activities specifying therein his capability to do so and other relevant particulars.

(b) The parallel marketeer of kerosene shall submit a monthly return before the 15th day of the following month giving details of kerosene imported; port-wise, to the Central Government in the Ministry of Petroleum and Natural Gas.

(c) The parallel marketeer shall furnish to the Central Government in the Ministry of Petroleum and Natural Gas, or to such authority as may be specified by that Government in this regard, such other information as may be required.

8. Kerosene under public distribution system to be made distinguishable-

Kerosene supplied through public distribution system shall be made distinguishable from the kerosene to be imported, sold or distributed under parallel marketing system by use of suitable measures to be adopted by the Government Oil Companies as and when necessary-

9. Power of entry, search and seizure-

(a) An Officer of the Department of Food and Civil supplies of the Government, not below the rank of an Inspector authorised by such Government and notified by the Central Government or any officer authorised and notified by the Central Government or any Officer not below the rank of a sales Officer of a Government Oil Company authorised by the Government and notified by the Central Government may, with a view to ensuring compliance with the provisions of this order, with such assistance as may be required, for the purpose of satisfying himself that this order or any order made thereunder has been complied with:-

(i) stop and search any vessel or vehicle or any other conveyance which the Officer has reason to believe has been or is being or is about to be used in contravention of this Order.

(ii) enter or search any place with such aid or assistance, as may be necessary; and

(iii) seize and remove with such aid or assistance, as may be necessary, books, registers and other records pertaining to kerosene business along with vehicle, vessel or any other conveyance used for carrying such stock, if he has reason to believe that any provision of this order has been or is being or is about to be contravened and thereafter take or authorise the taking of all measures necessary for securing the production of the kerosene at the office of the Government Oil Company and the vehicle, vessel or other conveyance so seized before the Collector having jurisdiction under the provisions of Essential Commodities Act, 1955 (10 of 1955), for their safe custody pending such procedures.

(b) The provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974) relating to search and seizure shall, so far as maybe, apply to searches and seizures under this order;

10. Overriding effect of the Order-

The provisions of this order shall have the overriding effect notwithstanding anything to the contrary contained in any order made by a State Government or a Union Territory or by an Officer of such State Government of Union Territory before the commencement of this order, except as regards anything done or omitted to be done thereunder before such commencement.

11. Power to exempt-

The Central Government may, if it considers necessary for avoiding hardship or for any other just and sufficient reasons, by notification in the Official Gazette, exempt any person from all or any of the provisions of this Order, either generally or for any specific period, subject to such conditions as may be specified in the notification.

12. Repeal and Saving-

(1) The Kerosene (Restriction on Use and Fixation of Price) Order, 1966 and kerosene (Fixation of Ceiling Prices) Order, 1970 are hereby repealed except respects things done or omitted to be done under these Orders before the commencement of this Order.

(2) Notwithstanding such repeal anything done or any action taken under the said Orders shall be deemed to have been done or taken under the corresponding provisions of this Order.

[No. P-11013/3/93-Dist]

Devi Dayal, JT.Secy.