

(Published in Extra Ordinary Rajpatra of Himachal Pradesh on 3-02-2004)

[Authoritative English text of this Department Order No. FDS-A (3)-8/2002, dated 28-11-2003 as required under clause (3) of Article 348 of the Constitution of India].

FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT

ORDER

Shimla- 171002, the 28th November, 2003

No. FDS-A(3) -8/2002.- Whereas the Governor of Himachal Pradesh is of the opinion that it is necessary so to do for maintenance of supplies and for securing equitable distribution and availability of some of the essential commodities at fair prices:

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Government of India in the late Ministry of Agriculture and Irrigation (Department of food) Order GSR-800, dated 9th June, 1978 and Ministry of Industries and Civil Supplies (Department of Civil Supplies and Co-operation) Order S.O. 681(E), and 682(E) dated 30th November, 1974 and in pursuance of directions given in clause 5 of Annexure to the Public Distribution System (Control) Order, 2001 issued by the Government of India, Ministry of consumer Affairs, New Delhi vide G.S.R. 630 (E), dated 31st August, 2001, the Governor of Himachal Pradesh, is pleased to make the following Order, namely:-

PART-I

PRELIMINARY

1. Short title, extent and commencement.- (1) This order may be called the Himachal Pradesh Specified Articles (Regulation of Distribution) Order, 2003.

(2) It extends to the whole of the State of Himachal Pradesh.


(3) It shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.


2. Definitions. - (1) In this order, unless the context otherwise requires,-


(a) "Act" means the Essential Commodities Act, 1955 (10 of 1955);

(b) "Authorized document" means a permit or an authorization issued or deemed to have been made or issued under this order for purchase or sale or storage for sale or distribution of any specified article;

(c) "Authorized wholesaler" means the institutions who are authorized to deal in the wholesale business for the procurement of essential commodities allotted by the Government/ Department and issue essential commodities to fair price shop for sale to the consumers on Consumer Cards and includes a "sub-wholesaler";


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- (d) "Consumer" means a person drawing any essential commodity through fair price shops against Consumer Card issued by the Specified authority declared for the area concerned in which the consumer permanently or temporarily resides;
- (e) "Consumer Card" means a household consumer card or other document issued or made under or in pursuance of the provisions of this order for obtaining supplies of the specified articles;
- (f) "Consumer Card Holder" means a person to whom a consumer card has been issued;
- (g) "Controller" means, the District Food, Civil Supplies & Consumer Affairs of the area concerned or any other officer/ official authorized by the Director to exercise all or any of the powers of the Controller under this Order;
- (h) "Deputy Commissioner" means the Deputy commissioner of the District concerned;
- (i) "Director" means the Director of Food, Civil Supplies & Consumer Affairs, Himachal Pradesh and shall also include the Joint/Deputy Director of Food, Civil Supplies & Consumer Affairs of Himachal Pradesh.
- (j) "Fair Price Shop" means a shop recognized by the specified authority for sale of any essential commodity for the time being issued on Consumer Card by the Food, Civil Supplies & Consumer Affairs Department from time to time;
- (k) "Fair Price Shop Holder" means a retail dealer authorized under the provisions of clause 3 of this order in respect of any specified article;
- (l) "family" means a joint family of all persons descended from common ancestor, who live, worship and mess together permanently as shown in the Parivar Register of the Panchayat but persons residing elsewhere due to their profession / business shall not be included in the family for the purpose of issue of consumer card;
- (m) "Form" means a Form appended to this Order;
- (n) "Government" means Government of Himachal Pradesh;
- (o) "Household" means a family unit living together in one building or in a portion of the building having a common residence and maintaining a common Kitchen;
- (p) "Institution" means a Hospital, a convalescent home, a sanatorium, an asylum, a school, a hostel providing meals and includes all other institutions of a like nature as may be specified by the Government;
- (q) "Public Distribution Committee" means a committee constituted by the Director, by notification for the purpose of considering and recommending the names of any persons or body of persons or institutions to be a wholesaler or Fair Price Shop holder in respect of specified Articles;
- (r) "Public Distribution System" means a system under which specified articles are distributed to consumers against the consumer card through the network of fair price shops;
- (s) "Quantum" means quantity of any specified article fixed by the Director for distribution against the consumer card from time to time;


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- (t) "Rural area" means any area or areas falling within the territorial jurisdiction of a Panchayat, but doesn't include the areas falling within the any urban area:
- (u) "Specified authority" means an authority who issued consumer card to the consumers for obtaining supplies or essential commodities from the fair price shop:

Explanation-1

"In urban areas, the Consumer Card shall be issued by the Food and Supplies Officer/Inspector, Food Civil Supplies and Consumer Affairs or any other officer of the concerned Urban Local Bodies viz. Municipal Corporation, Municipal Committee and Nagar Panchayat within their respective jurisdictions authorized by the "**Director**". In cantonment areas, the consumer card shall be issued by the concerned Inspector, Food Civil Supplies and Consumer Affairs".

Explanation-2.

In rural areas the consumer card shall be issued by the Secretary or Panchayat Sahayak of the concerned Gram Panchayat and countersigned by the Pradhan of the concerned Gram Panchayat in their respective jurisdiction and if the Panchayat is not in existence, the consumer cards shall be issued by the Officer or officials of Food, Civil Supplies & Consumer Affairs Department authorized for the purpose by the concerned Controller."

- (v) "Specified Article" means an essential commodity which the Director may, by notification published in the official Gazette, declare to be a specified article for the purpose of this Order:
- (w) "Urban area" means an area administered by a Municipal Corporation or a Municipal Council or a Cantonment Board, or a Nagar Panchayat in the State; and


(2) The words and expressions used but not defined in this order shall have the same meaning as are assigned to them in the Act.

3. Issue of authorization to wholesalers and fair price holders.—(1) With a view to regulating the distribution of any specified article, the Controller with the approval of the Public Distribution Committee, may authorize any person or body of persons to be a wholesaler or a fair price shop-holder in respect of such specified article(s) for the purpose of this Order, and thereupon such wholesaler or fair price shop-holder, as the case may be, shall obtain and supply specified article(s) in accordance with the provisions of this order or any directions issued there under:

Provided that the authorization issued to the authorized wholesaler and fair price shop holder under the provisions of the Himachal Pradesh Specified Essential Commodities (Regulation and Distribution) Order, 1979 and in force immediately before the commencement of this Order shall be deemed to be an authorization issued under this clause.

Every application for an authorization shall be made in Form 'A' to the Controller, giving correct information asked for therein along with such other information or documents as may be required.

Every authorization issued under sub clause (1) shall be in Form "B" in case of wholesaler and in Form "C" in case of fair priced shop holder. A duplicate copy shall be retained by the Controller in his office and any alteration made in such authorization shall be recorded in it. The Controller shall record every authorizations issued by him in a register prescribed by him.


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(4) Subject to any directions issued by the Director in this behalf, every application for the issue of an authorization shall be considered giving due regard to:-

- (i) the need for authorized wholesaler or the fair price shop holder in the area or locality in which the business premises of the applicant are situated;
- (ii) the suitability of the premises for proper storage and sale of specified article(s);
- (iii) the suitability of the applicant in view of his past record of dealings in essential commodities and other business, if any, being carried on by him or his near relations in the same premises or in the same area or locality or elsewhere in the state of Himachal Pradesh;
- (iv) the financial position and capacity of the applicant in performing the functions of a wholesaler or a fair price shop holder, as the case may be; and
- (v) any other factor considered relevant to the grant of an authorization under this Order.

(5) Every person applying for an authorization shall, before such authorization is issued to him, deposit the amount of authorization fees specified below in the Government treasury under the appropriate head of account and also deposit the amount of security, as specified below, duly pledged to the Controller, in the manner as may be specified by him, for due performance of the terms and conditions of the authorization issued to him:--

	<u>Security</u>	<u>Authorization fee per annum</u>
(i) Wholesaler	20,000.00	2500.00
(ii) fair price shop-holder	3,000.00	500.00

(6) Authorization shall be valid upto 31st December of the year.

(7) A separate authorization shall be necessary for each place of business.

(8) If any authorization is defaced, lost or otherwise destroyed, the Controller, may on application of the wholesaler or fair price shop holder, as the case may be, and on payment of a fee of Rs. 1500/- for wholesaler and Rs. 500/- in case of fair price shop holder in the Government treasury, issue a duplicate authorization.

(9) The Controller may, whether at the request of the wholesaler or fair price shop holder or suo-moto, after making such inquiry as may be deemed necessary add, amend, delete or alter the entries of the authorization relating to godown place of business, area of operation and the name of parties etc.

(10) An application for renewal of authorization shall be made, along with the authorization fee, specified in sub-clause (5) to the Controller before the expiry of the license.

Provided that the Controller may entertain an application upto 31st March, upon the payment of late fee as prescribed below:-

	<u>Wholesaler Sub-wholesaler</u>	<u>Retailer /Fair Price Shop Holder</u>
(i) For the first fortnight	100/-	50/-
(ii) For the second fortnight	150/-	75/-

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Provided that if the authorization is not got renewed within 3 months after the expiry of the validity period, i.e. upto 31st March of the year, the same shall stand cancelled and the security shall also stand forfeited to the Government. The cancellation of authorization and forfeiture of security in default of non-renewal of the authorization will not effect the right of dealer to obtain a new authorization after deposit of the usual authorization fee:

Provided further that if the authorized wholesaler/ fair price shop holder discontinues his business during the validity of the authorization, he shall have to surrender his authorization to the Controller to claim the refund of the security deposits.

(11) The authorization may be renewed upto 3 years at a time on deposit of authorization fee specified in sub-clause (5).

Part-II

DISTRIBUTION AND SUPPLY OF SPECIFIED ARTICLES

4. Supply by the wholesaler.- No wholesaler shall supply or offer or attempt to supply or cause to be supplied any specified article to any person other than a person who is a sub-wholesaler, or a fair price shop holder, or person(s) duly authorized by them, in this behalf against their signatures, duly attested by the sub-Divisional Magistrate or Tehsildar/Naib Tehsildar or Inspector (Food, Civil Supplies & Consumer Affairs) Inspector (Cooperative Department), in case of Cooperative institutions within his jurisdiction, or against any of the authorized document and in such quantity and at such prices as may, from time to time, be specified by the Government or Director or Controller in this behalf under and in accordance with the provisions of this Order.

5. Instructions to Authorized wholesaler.- (1) An authorized wholesaler shall maintain such forms and registers and submit such returns and statements as may be required by the Director and comply with such general or special directions as may be issued by the Government or the Director or the Controller concerning the manner in which and conditions subject to which any specified article may be obtained or supplied or kept.

(2) An authorized wholesaler shall obtain such quantity of specified articles as are necessary to enable him to meet the requirements of the authorized documents.

6. Supply by Fair Price Shop holder.- No fair price shop holder shall sell or agree to sell or supply or agree to supply or cause to sell or supply specified articles to any person except against the consumer cards registered with him or against the authorized document issued by competent authority concerning and except at such quantum and prices as may be specified from time to time by the Government or Director or Controller in this behalf in accordance with the provisions of this Order.

7. Instructions of Fair Price Shop holder.- (1) A fair Price shop holder shall register consumer cards issued by the specified authority concerned in whose jurisdiction the shop is located. He may, however, register cards of other areas, if specifically permitted to do so by the Controller.

(2) A fair price shop holder shall supply specified articles only against the consumer cards registered with him or against any authorized document issued by any authority under and in accordance with the provisions of this Order.

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- (3) On demand and offer of price by or on behalf of the holder of the consumer card. The fair price shop holder shall supply, subject to availability, specified articles not exceeding the quantity obtainable on such consumer cards and shall make correct and true entries at the appropriate space provided in the consumer card.
- (4) The fair price shop holder shall maintain a daily sale/ stock register in Form 'D' and shall also issue a "Cash-Memo prescribed by the Government or the Director or concerned Controller" to the consumer in token of having issued the Specified Articles and obtain his signatures on the Cash-Memo.
- (5) On the basis of the consumer cards registered with him, the fair price shop holder shall submit indent for supply of specified articles in the manner specified by the Controller from time to time.
- (6) A fair price shop holder shall be entitled to obtain supplies of specified articles on the basis of authorized documents possessed by him, from time to time from the authorized wholesaler mentioned in such documents and by such date as may be specified therein.
- (7) A fair price shop shall maintain a register in Form- 'E', he shall register the consumer cards, and shall obtain the signatures or thumb impression of the consumer card holder in the space provided for this purpose and he shall put the serial number of registration on the consumer card.
- (8) The fair price shop holder shall maintain proper record of purchase, distribution and sale of specified articles and registration of consumer cards and other authorized documents separately for each APL, BPL and Antodaya Family, as may be specified by the Controller from time to time.
- (9) The fair price shop holder shall send a monthly statement of registered units (persons) every month to the Controller alongwith indent in such form as may be specified by the Controller.
- (10) Every fair price shop holder shall keep such records relating to the authorized documents in such manner as may be specified by the Government or Director or the Controller from time to time.
- (11) The fair price shop holder shall comply with all general or special directions given in writing from time to time by the Government or the Director or the Controller concerning the manner in which and the conditions subject to which any specified article may be obtained supplied or kept for house-hold consumption or in connection therewith as also in connection with the maintenance of accounts, submission of reports etc.
- (12) A fair price shop holder shall not register consumer cards if the total number of units registered with him exceeds the maximum units specified by the Controller in this behalf:
- Provided that the Controller may by order exempt any fair price shop from the restriction imposed under this clause.
- (13) The fair price shop holder shall not keep in his possession any consumer card irrespective of the fact whether such consumer cards are registered with him or not.

8. Suspension/ cancellation of authorization and forfeiture of Security.- (1) The Controller within his jurisdiction, may, at any time whether on the request of the person to whom an authorization has been issued or on his contravention or attempt to contravene any of the provisions of this order or directions issued thereunder from time to time in this behalf or any term or condition of the

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authorization or any directions issued thereunder, after making such enquiry as may be necessary, without prejudice to any other action that may be taken against him to amend, suspend or cancel the authorization issued under clause-3 of this order.

2. Without prejudice to any action that may be taken under sub-clause(1) in respect of contravention of any of the provisions of this order, the controller, within his jurisdiction, may forfeit the whole or part of the security deposited under sub-clause (5) of clause 3 of this order or, recover double the amount of differential cost between the Controlled price and the market price of diverted Specified Articles, if any, and thereupon the authorized wholesaler or the fair price shop holder, shall forthwith deposit an amount so as to make the deficiency good in the amount:

Provided that where an authorized wholesaler or fair price shop holder is exempted from deposit of the security under clause 16, the officer concerned, may also impose penalty as mention above to these wholesaler / fair price shop holder:

Provided further that before passing any Order under sub-clause (1) or sub-clause (2), the Controller shall give a reasonable opportunity of being heard to the party concerned:

Provided further that where an enquiry is pending against authorized wholesaler or fair price shop holder, and it is considered necessary to suspend the authorization, the authority concerned, on satisfaction, shall suspend the authorization for the period not exceeding six months."

Provided further the suspension of authorization may exceed six months if the matter is pending in a court of Law.

(3) Where an authorized wholesaler or a fair price shop holder has been convicted by a court of law for the contravention of this Order or any other order issued under section 3 of the Act, the Controller shall, by order, in writing, cancel his authorization:

Provided that where such conviction is set aside in appeal or revision, the Controller, on an application by the person whose authorization has been cancelled, may re-issue the authorization to such person.

9. Termination of authorization.- (1) Notwithstanding anything contained in this Order, the Controller may with the approval of the Public Distribution committee, at any time, terminate the authorization by giving one months notice in writing to the person(s) to whom an authorization has been issued under this order and then the authorization shall cease to be effective upon expiry of the period of such notice.

(2) It shall be open to the person holding an authorization issued under this order to relinquish his authorization by giving one months notice, in writing, to the Controller and then the authorization shall cease to be effective upon receipt of intimation, by such person from the Controller, of the termination of his authorization:

Provided that the liability of the person holding the authorization shall not cease until the stock of specified articles and records of authorized documents have been taken from him by the person specified by the Controller.

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PART-III-AUTHORIZED DOCUMENTS

10. **Procedure for obtaining consumer cards.**- (1) Any person permanently residing or intending to reside permanently may apply to the specified authority in Form 'F' for issue of a consumer card. The Form 'F' shall be supplied by the specified authority to any person at free of cost.

(2) The specified authority shall, before issuing a consumer card in Form 'G' make or cause to be made such enquiry, as he may deem fit, for verification of the information furnished by the applicant especially where the applicant and other members listed in the form 'F' submitted by him/her are physically residing at the address mentioned in the said form:

Provided that no consumer card may be issued unless the information furnished in Form 'F' by the applicant has been verified by the Secretary/Panchayat Sahayak of the Panchayat concerned on the basis of entries recorded in Pariwar Register in rural areas and; by the Councilor/ward Member or Executive Officer or Secretary of the local body within their respective jurisdiction or by any officer/official authorized by the concerned Controller from time to time;

(3) Every person applying for the issue of consumer card shall, before such card is issued to him, deposit a fee of rupees five with the specified authority. The specified authority shall deposit the fees collected under this clause into the Government Treasury under the appropriate head of account.

(4) On the application to be submitted to the specified authority by a person who has no fixed or identifiable place of dwelling on payment of fee as specified in sub-clause (3), a temporary consumer card in form-G/1 may be issued which shall be stamped with the word 'Temporary' and shall be valid only for the purpose of drawl of kerosene oil only from the fair price shop catering to the demands of the area/ place where such person temporarily resides. Such consumer cards may be issued for a period not exceeding six months at a time. Similar temporary consumer cards may be issued to the migratories for a period not exceeding three months at a time in the above manner.

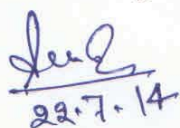
(5) If a consumer card has been lost, defaced or damaged, the holder thereof may apply to the specified authority for duplicate consumer card and such application shall be accompanied by double of the fee as specified in sub-clause (3). The specified authority may, after making such enquiry as he deems fit, issue a duplicate consumer card.

(6) In the case of death of any member of the family entered in the consumer card, the holder of the consumer card or any other member of his family shall inform in writing to the specified authority in which he is residing and shall present the consumer card before him for deletion of the name of such person from the consumer card. No consumer card holder shall draw or obtain or cause to be drawn or obtained any specified article in respect of such a person irrespective of the fact whether or not the name of such person has been deleted from his consumer card.

Provided that in case of the death of the consumer card holder, the specified authority shall issue a fresh card after charging the fee as specified in sub-clause (3).

(7) Except as otherwise provided in this order the consumer card shall be valid for a maximum period of five years.

(8) In the case of a change in address, an application for amendment shall be made to the specified authority, which, after satisfying himself, may make amendment in the consumer card enabling the consumer card holder to draw the specified articles from the fair price shop concerned.


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(9) The specified authority shall maintain a register in Form 'H' showing the name and address and the number of members for which consumer card is issued. He shall also maintain proper account of the fee or other payments deposited / paid in compliance of the provisions of this Order.

(10) No person shall obtain or attempt to obtain a consumers card, by furnishing information which he knows or has reason to believe to be false or, if he is already in possession of such card or, if some other person is in possession of consumer card on his behalf or if name of any member of his family is included in another consumer card.

(11) No consumer card holder shall keep or allow to keep his consumer card with any of the fair price shop holders.

(12) No holder of a consumer card or his agent or servant or any other person on his behalf shall contravene any of the provisions of this order or conditions of the consumer card, than, without prejudice to any other action that may be taken against him, his consumer card shall be suspended or cancelled by order, in writing by any Officer / Official of the Food, Civil Supplies and Consumer Affairs Department not below the rank of a Controller:

Provided that such order shall be made orders the Card holder has been given as opportunity of being heard against the provided suspension or cancellation.

(13) No person, other than those who have obtained specified articles from the fair price shop against any of the authorized documents in accordance with the provisions of this Order, shall possess or store or hold any specified article.

(14) No person, firm, association or printing press etc., shall make or cause to be made or cause to be printed prescribed Form of consumer card without an order, in writing from the Director, and every Form of the consumer card, so printed, shall be numbered consecutively in accordance with his directions.

(15) The specified authority in relation to rural area or urban area shall obtain printed application and consumer cards Forms from the Controller on payment of the cost of such forms and consumer card as specified in this clause. Out of the fee cost of the Consumer Card so realized, 50% shall be reimbursed to the Urban Local Bodies or Panchayat, as the case may be, as service charges for preparation of the consumer cards.

11. Procedure for obtaining supplies against Consumer Cards.- The consumer card holder may register himself with any of the fair price shop functioning in the concerned locality for obtaining supplies of specified articles against such card:

Provided that the Controller may, where deemed necessary in the interest of the smooth functioning of the Public Distribution System, by order direct any consumer card holder to register himself with any particular fair price shop within his area.

12. Power to issue authorized documents.- (1) With a view to regulating the distribution of any specified article, the Controller, may issue or cause to be issued authorized documents to any person or class of persons or institution or to the public generally:

Provided that no such document shall be delivered to any person unless such person or any adult member of his family, whom the document is tendered on his behalf, signs or affixes his

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mark or thumb impression in token of receipt of such document as required by the officer delivering such documents.

(2) The Controller may at any time whether at the request of the Person to whom any authorized document has been issued or suo-moto, after making such enquiry, as may be deemed necessary, add to, amend, vary, suspend or cancel the authorized document. Where any such document is so suspended or cancelled, the person having possession of such document shall forthwith deliver the same to the Controller or an officer authorized by him in this behalf.

(3) Subject to any directions issued in this behalf by the Government or the Director or the Controller or any other officer authorized by the Director, may issue special permits for issue of any of the specified article(s) under this Order to any person or class of persons who do not reside or intend to reside permanently in the area or areas concerned for obtaining supply of any such article for such period and for such quantity and from such source as may be specified therein.

13. Validity of authorized documents. - (1) No person shall transfer any authorized document issued to him under the provisions of this order or any specified article obtained against any such authorized document without prior permission, in writing, of the Director or the Controller, or any other Officer authorized by the Government.

(2) Every authorized document issued under this order shall be the property of the Government, but the person to whom it is issued or surrendered or with whom it is retained under the provisions of this order, shall be responsible for its safe custody.

(3) When any person is in possession of an authorized document in contravention of this order, he shall forthwith deliver the same to the specified authority concerned.

(4) No person shall without lawful authority alter any entry in the authorized document. If the holder of authorized document finds that some other person has, without lawful, authority, made an alteration in the authorized document affecting its validity or the quantity or the kind of specified article obtainable on it, the holder of such document, shall forthwith report the fact to the specified authority concerned in writing.

(5) Where any authorized document is required to be cancelled under or for the purpose of this order, it shall be cancelled forthwith by the specified authority, and there upon it shall cease to operate.

PART-IV-MISCELLANEOUS

14. Power to call for information and records. - Every authorized wholesaler or fair price shop holder, as the case may be, when so required by general or special directions by the Controller in this behalf shall:-

- (a) deliver to him all authorized documents and other records surrendered or given to him under or for the purpose of this order; and
- (b) furnish such particulars, accounts and information relating to his dealings in and stocks of specified articles as may be required.

Explanations.- For the purpose of this clause an authorized wholesaler or fair price shop holder includes a dealer whose authorization has been suspended or cancelled.

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15. Power to authorized supply and distribution of specified articles otherwise than by means of authorized documents.- Notwithstanding any other provisions of this order, Government may authorize the supply or disposal of any specified article otherwise than on the authorized documents.

15-A. The Director shall have all the powers of the Controllers in addition to the power specified in this order.

16. Exemption.- The 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 any co-operative societies from the operation of all or any of the provisions of this order and may, at any time, suspend or rescind any such exemption.

17. Appeal.- (1) Any person aggrieved by an order, made by the Controller or specified authority may appeal within thirty days from the receipt of the orders to:-

- (i) The Controller, where the order has been made by specified authority within his jurisdiction;
- (ii) The Director, where the order has been passed by Controller;
- (iii) The Secretary (Food, Civil Supplies & Consumer Affairs) the Government of Himachal Pradesh where the order has been passed by the Director;

Provided that the appellate authority, for reasons to be reduced in writing may entertain an appeal after expiry of 30 days, if he is satisfied that the appellant was prevented from filing the same within the stipulated period of 30 days for the reasons explained in the application which were beyond the control of the appellant?

(2) Every appeal shall be filed in duplicate and shall be accompanied by an attested copy of the order appealed against.

(3) Pending 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.

18. Revision.- (1) The Director may, of his own motion or on an application, call for the record of any case decided by the Controller or specified authority under the provisions of this order and if he is satisfied that the Controller or specified authority:-

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

(2) No order shall be passed under this clause which adversely affects any person unless such person has been given a reasonable opportunity of being heard.

19. Power to enter and inspect premises, require information, check accounts and seizes articles etc.- (1) The Director or Deputy Commissioner or the Controller or any Magistrate or any Officer of the Food, Civil Supplies & Consumer Affairs Department not below the rank of Inspector or any other Officer, if specifically authorized by the Director in this behalf, within his jurisdiction, may, in order to secure the compliance of this order or to satisfy himself that this order has been complied with and with such assistance as deems fit, may,-

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- (a) inspect any stocks of specified articles, books, accounts or other documents pertaining to specified articles and for the purpose of such inspection, enter and, if necessary, break-open or seal any premises used or believe to be used for the sale or distribution or storage of any specified articles;
 - (b) direct any person to make any statement or furnish any information or produce any document or article in his possession or under his control relating to the purchase, sale, distribution or storage of any specified article any person so required shall comply with such directions;
 - (c) Direct any person to render any account or to produce books, account or other documents relating to or believed to be relating to the purchase, sale, distribution or storage of any specified article and any person so required shall comply with such directions;
 - (d) seize any books of accounts and documents, which in his opinion, may be useful for or relevant to, any proceedings under this order and 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 any officer having the custody of such books of accounts or documents;
 - (e) test or cause to be tested the correctness of any weights and Measures used or believed to be used in any transaction relating to the sale or distribution of any specified articles;
 - (f) take or cause to be taken the Weight of all or any of the specified articles found in any such premises;
 - (g) take or cause to be taken samples of specified articles kept for sale for comparing with the approved samples of such specified articles authorized for sale or for analysis;
 - (h) require the owner, occupier or the person in charge of any place, premises, vehicle or vessel or animal in which he has a 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 transactions relating to such contravention;
 - (i) search, seize and remove stocks of specified articles along with the package, covering or receptacles in which such stock is found, if he has reasons to believe that any provisions of this order has been or is being or is about to be contravened in respect of such stock any part thereof and may also search, seize and remove the animals, vehicles vessels or other conveyance used in carrying the said specified article in contravention of the provisions of this order;
- (2) The provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974) shall, so far as may be, apply to searches and seizures under this clause.
- (3) The powers exercisable under this clause shall not be exercised except for the purpose of securing compliance of the provisions of this order.

20. Repeal and Savings.- (1) The Himachal Pradesh Specified Essential Commodities (Regulation and Distribution) Order, 1979 is hereby repealed.

By order,

B.S. CHAUHAN
Principal Secretary

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'FORM-A'

[See Clause-3(2)]

THE HIMACHAL PRADESH SPECIFIED ARTICLES (REGULATION OF DISTRIBUTION) ORDER, 2003

To

The District Controller, Food, Civil Supplies & Consumer Affairs.
.....

Sir,

I / We hereby apply for the grant of authorization for being appointed as a Whole-saler / Fair Price Shop- holder under the aforesaid Order. Requisite particulars are given hereunder:-

1. Full name of the applicant :
2. Father / Husband's name :
3. Complete residential address of the applicant:
4. Name and style of the firm:
5. Complete address of the business premises.
(A site plan of the business premises be enclosed).
State whether owned or other wise documentary
proof in support thereof be attached.
6. Complete address of the godown (s). (A site
plan be enclosed). If any, where specified
articles will be stored. State whether owned
or otherwise with documentary proof in support
thereof.
7. Name of specified articles for which authori-
zation is required.
8. No objection certificate from the Gram Panchayat
/ Co-operative Society.
9. Whether the firm is sole proprietorship of the
applicant or a partnership firm or a co-operative
Society or a registered company (in case of a
partnership firm an attested copy of the partnership
deed be enclosed).
10. In case of co-operative society / company / firm.
State the named and address of all Office Bearers/
Directors / Partners:
 - 1.
 - 2.
 - 3.
 - 4.

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11. Nature of present business of the :
 - (i) firm;
 - (ii) applicant;
 - (iii) each partner of the firm.
 12. Whether the firm or the applicant or any one of the partners have any interest in any flour mill (chakki) or any Fair Price Shop or wholesale functioning in the State of Himachal Pradesh. If so, give full particulars of such chakki, Fair Price Shop or Wholesale and the nature and extent of interest.
 13. Whether the applicant of the firm or any of the partners are running any business in essential commodities in the locality for which authorization is applied for, if so, give complete name and address of the store along with commodities being dealt therein.
 14. Had/ has the applicant, or the firm or any of its partners previously applied for grant of authorization, if so, give particulars and the result thereof.
 15. Whether the applicant or the firm or any of its partners has previously been running a fair price shop for working as a wholesaler ? If so, give full detail thereof and reason of its closure.
 16. Whether the applicant or the firm or any of its partners is holding any license issued under the Essential Commodities Act, 1955 or Orders issued thereunder. If so, give full details thereof.
 17. Whether the applicant or the firm or any of its partners have ever been convicted of any offence under Essential Commodities Act, 1955, if so, give full details.
 18. Whether any case or legal proceedings or Prosecution under the Essential Commodities Act, 1955 and order issued thereunder is pending in the Food, Civil Supplies & Consumer Affairs, Department or in the court against the applicant or the firm in the of its partners. If so, No. and date of F.I.R. and police station where registered alongwith brief

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particulars of the charges and present stage of the proceedings be given.

19. Whether the applicant or the firm has ever been declared as insolvent by the competent court or as defaulter by any bank and whether he/or it is financially capable of running the business for which authorization is applied for without the aid and assistance of any third party Brief description of liabilities and assets including Bank Accounts/ Deposits etc. be mentioned.
20. Whether the applicant is an ex-serviceman/a member of the Scheduled Caste/ Tribe/ Backward Class, Educated Unemployed, Handicapped. If yes proof / certificate in support thereof be attached:-
- (a) I, the above name applicant do hereby declare that I am competent / authorized to apply for grant of authorization in my individual capacity or authorized representative of the firm/ co-operative society;
- (b) I, hereby further declare that the particulars against item No. 1 to 20 are true to the best of my knowledge and belief and nothing has been concealed therein and that in the event of misstatement of facts proved subsequently, I undertake to abide by the orders/ directions passed by the competent authority under the order aforesaid;
- (c) I have carefully read the provisions of the Himachal Pradesh Specified Articles (Regulation of Distribution) Order, 2003 and I agree to abide by them if granted the authorization applied for;
- (d) I further undertake that I shall not deal in such articles of the open market if authorised to deal in the aforesaid specified articles.

Signature of the applicant.

Dated

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'FORM-B'
AUTHORIZATION FOR WHOLESALER
[See clause-3(3)]
**THE HIMACHAL PRADESH SPECIFIED ARTICLES (REGULATION OF
DISTRIBUTION) ORDER, 2003**

AUTHORIZATION No..... (Non Transferable).

1. Subject to the provisions of the Himachal Pradesh Specified Articles (Regulation of Distribution) Order, 2003 and to the terms and conditions of this authorization, of Shri

(Name and full address) is / are hereby appointed as an authorized wholesaler in pursuance of the provisions of clause 3 of the aforesaid Order.

2. (a) The wholesaler shall carry on the business at the following place:-

.....
(b) Particulars of godowns:

.....
(c) Name of the specified articles in which the wholesaler is authorized to deal in:

3. The wholesaler shall not supply or offer or attempt to supply or cause to be supplied any specified articles to any person other than a person who is a fair price shop holder or against a permit issued and except at such prices and in such quantum as may, from time to time, be specified by the Government or the Director or the Controller in this behalf and except under and in accordance with the provisions made by or under this order.

4. (i) The wholesaler shall maintain a daily stock register in 'Annexure-1' showing therein the true and correct account of the purchases and sales of each of the specified articles and shall also maintain a daily sale register in 'Annexure-2'.

(ii) The wholesaler shall complete his accounts for each day on the day to which they relate unless prevented by sufficient cause, to the satisfaction of the authority inspecting the accounts.

(iii) The wholesaler shall take or arrange to take or cause to be taken the deliveries of the specified articles from the sources as indicated by the Government or the Director or the Controller within the specified period.

5. The wholesaler shall submit monthly return in 'Annexure-3' to the Controller or any other person authorized by him so as to reach him by the 7th of each month containing the information relating to the preceding month.

6. The wholesaler shall not contravene the provisions of this order or any other law relating to the essential commodities for the time being in force.

7. The wholesaler shall display the wholesale prices and stocks position of the specified articles in bold letters at a continuous place of his business premises and shall not charge price more than that fixed under any law for the time being in force.

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8. Every wholesaler shall maintain proper record of purchase, receipt and distribution / sale of specified articles and shall retain the same up to ten years in normal course or in case if any dispute is pending in the court / Department, then till the final verdict / decision of the court / department.
9. The wholesaler shall comply with the instructions which may be given to him by the Government or Director or the Controller with regard to the language to be used in maintaining the accounts or record and the authorization of the registers maintained by him.
10. The wholesaler shall issue to every fair price shop holder correct receipt of invoice giving his own name and address, the name and address of the fair price shop holder date of transaction, quantity sold, rate and the total amount charged; and shall keep a duplicate thereof to be made available for inspection and demand by any of the inspecting officer authorized in this behalf.
11. The wholesaler shall be responsible for the safety of the specified articles and for the safe custody of account books and record relating thereto. He shall take adequate measures to ensure that specified articles stored by him are kept in countable form and these do not get spoiled or damaged due to ground moisture, rains, insects, rodents and birds. He shall also ensure that fertilizer, insecticides and poisonous chemicals likely to contaminate such articles are not stored along with these specified articles in the same godown or in immediate juxta position to the stocks of the specified articles.
12. The wholesaler shall extend all facilities at all reasonable time to the inspecting officer for the inspection of his stocks and accounts at his place of business and godown used by him for sale or storage for sale of any specified article.
13. The authorization shall be displayed at a conspicuous place/ office by the authorized wholesaler and shall be produced for inspection, when required.
14. The wholesaler shall be responsible for carrying out the purchase storage and the sale of specified articles efficiently and promptly in a business like manner maintain in accordance with the directions issued in this behalf from time to time.
15. The wholesaler shall not store any specified articles outside the authorized premises without prior permission in writing of the Controller.
16. The wholesaler shall promptly (but within twenty four hours of the event) inform in writing to the Controller in case any specified article stored by him or in transit is damaged or destroyed by accident (in transit or otherwise) fire, flood and other natural calamities or lost in theft.
17. The wholesaler shall not sell any specified articles not conforming to the standards prescribed under the prevention of Food Adulteration Act, 1954 or any other law for the time being in force.
18. Any sum due from the wholesaler shall be recoverable as arrear of land revenue.

Signature and Stamp of the Controller.

Place

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‘FORM-C’

AUTHORIZATION FOR FAIR PRICE SHOP HOLDERS

[See clause-3(3)]

THE HIMACHAL PRADESH SPECIFIED ARTICLES (REGULATION OF
DISTRIBUTION) ORDER, 2003

AUTHORIZATION No. (Non Transferable).

1. Subject to the provisions of the Himachal Pradesh Specified Articles (Regulation of Distribution) Order, 2003 and to the terms and conditions of this authorization, Shri

is / are hereby appointed as an authorized fair price shop holder in pursuance of the provisions of clause 3 of the aforesaid Order.

2. (a) place of Business

(b) Area to be covered

(c) Particulars of godowns

(d) Name of the specified articles in which the fair price shop holder is authorized to deal in:

3. The fair price shop holder shall not sell or agree to sell or supply or agree to supply or cause to be sold or supplied specified articles to any person except against the consumer card registered with him or against any other authorized document and except at such prices and in such quantum as may be specified in this behalf from time to time and except under provisions made by or under this order.

4. The fair price shop holder shall register the consumer cards issued by the specified authority in the jurisdiction in which the shop is located in Form ‘E’ appended to this Order.

5. The fair price shop holder shall register consumer card of other areas if required to do so by the Controller.

6. The fair price shop holder shall maintain a daily stock register for each of the specified articles in ‘Form-D’.

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7. The fair price shop holder shall complete his accounts for each day on the day to which they relate unless prevented by sufficient cause to the satisfaction of the inspecting staff.
 8. The fair price shop holder shall submit a fortnightly return in Annexure-(3) to the Controller or any other Officer authorized by him so as to reach him by the 7th of each month containing the information relating to the preceding month.
 9. The fair price shop holder shall comply with any instruction which may be given to him by the Government or the Director or the Controller, in regard to the language to be used in maintaining the accounts or record and the authentication of the registers maintained by him.
 10. The fair price shop holder shall display the prices and stocks position of the specified articles in bold letters at a conspicuous place of his business premises and shall not charge price higher than the price fixed under any law for the time being in force.
 11. Every fair price shop holder shall maintain proper record of purchase, receipt and distribution sale of specified articles and shall retain such record up to ten years in normal course or in case if any dispute is pending in the court / Department then till the final verdict / decision of the court / department.
 12. The fair price shop holder shall extend all facilities, at all reasonable time, for the inspection of his stocks and accounts at his place of business and godown or any specified place used by him for sale or storage for sale of any specified article.
 13. The fair price shop holder shall take or arrange to take or cause to be taken the delivery of the specified articles from the wholesaler within the period as specified by the Controller.
 14. The fair price shop holder shall not contravene the provisions of any other law relating to the essential commodities for the time being in force.
 15. The fair price shop holder shall be responsible for the safety of the specified articles and for the safe custody of account books and record relating thereto. He shall take adequate measures to ensure that specified articles stored by him are kept in countable form and are not spoiled or damaged due to ground moisture, rains, insects, rodents and birds. He shall also ensure that fertilizer, insecticides and poisonous chemicals likely to contaminate such articles are not stored along with these specified articles in the same godown or in immediate juxta position to the stocks of the specified articles.
 16. The fair price shop holder shall maintain an inspection book to be made available to the inspecting staff when required and also a complaint book for inviting objections / suggestions from the consumer card holders.
 17. The authorization shall be displayed at a conspicuous place/ office by the fair price shop holder and shall be produced for inspection when required.
 18. The fair price shop holder shall be responsible for carrying out the purchase storage and the sale of specified articles efficiently and promptly in a business like manner and in accordance with the directions and instruction issued in this behalf from time to time.

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19. The fair price shop holder shall not store any specified articles outside the authorized premises without prior permission writing of the Controller.

20. The fair price shop holder shall promptly inform in writing to the Controller in case any specified article stored by him is damaged or destroyed by accident fire flood and other natural calamities or by theft.

21. The fair price shop holder shall observe the prescribed working hours and the shop shall not be kept closed during working hours without the prior permission in writing from the Controller or any other Officer authorized by him.

22. The fair price shop holder shall not deal in any articles of the open market which is declared to be a specified article under the Himachal Pradesh Specified Articles (Regulation of Distribution) Order, 2003.

23. The fair price shop holder shall supply specified articles only against valid and authorized document issued under the said Order and authorized to register with him for that purpose.

24. Any sum due from fair price shop holder shall be recoverable as arrear of land revenue.

Signature and Stamp of the Controller.

Place

Dated.....



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DAILY SALE STOCK REGISTER TO BE MAINTAINED BY THE FAIR PRICE SHOP
HOLDER

THE HIMACHAL PRADESH SPECIFIED ARTICLES (REGULATION OF DISTRIBUTION) ORDER, 2003

'FORM-'E'

[See clause-7(7)]

CONSUMER CARD REGISTRATION, REGISTER TO BE MAINTAINED BY THE FAIR PRICE SHOP HOLDERS

PRICE SHOP HOLDERS				
Date of Registration	Registration No. allotted by fair price shop	Name of Consumer card holder	Complete address	No. of Consumer Card allotted by the specified authority
1	2	3	4	5

No. of Units			Signature of the Consumer card holder	Remarks, if any
Adult	Children	Total		
6	7	8	9	10

Sl. No.*f*.....

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‘FORM-‘F’
[See clause-10(1)]

**FOOD, CIVIL SUPPLIES & CONSUMER AFFAIRS DEPARTMENT GOVERNMENT OF
HIMACHAL PRADESH**

Application for Consumer Card:

1. City / Town/ Village / Panchayat.....
2. Whether new or duplicate with reasons.....
3. Name of house-owner
4. Name of the House(with house No.).....
5. Name of the applicant.....Father/husband.....
6. Full address with occupation & designation.....
7. Date/reason of arrival of in the distribution area.....
8. Total monthly income of family from all sources (with allowances for employees of the Govt./
Semi-Govt. Departments/Corporations, Boards etc.)
9. Gas connections: Yes/No Consumer No.....DBC.....Yes / No
10. Particulars of family members for which consumer card is required:-

Name of the applicant and other members of the family living with the applicant	Relationship with the applicant	Occupation	Age	Place and State from where came with date of departure
1	2	3	4	5
1.				
2.				
3.				
4.				

11. I do here by solemnly affirm and state that:

- (a) the information given in this form is true:
- (b) Name of the persons mentioned in para-10 are in receipt of the ration from Army, neither names of these persons are entered in any consumer card in India:
- (c) None of the person mentioned in para-10 are in receipt of regular diet from any Hostel/ Boarding House neither their names are entered in the ration cards issued for the Boarding House. Myself or my family members have a gas connection No..... Single Double Cylinder.
- (d) All the persons mentioned in para 10 are presently physically residing with me and the names of these persons are not entered in any consumer cards anywhere in India.

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*Signature/Thumb impression of
the applicant along with date*

12. The applicant is the head of family and I know him personally:

I hereby certify that the information given above is correct.

*Signature of the Certifying/
attesting Officer along with
designation with seal.*

Receipt of the application form

Serial No. Name of the applicant

This acknowledgment should be produced on at when
distribution card will be issued if the application is found in order.

Signature of receipt.

Date

Instruction for filling in the application

- (i) The application should be filled in neatly while applying for a new distribution card.
- (ii) The persons coming from other state/city/town/village, should attach cancellation/migration certificate issued by the previous card issuing authority.
- (iii) If the applicant is a Government servant, he should get the application certified by the Head of the office. If the person is not a Government servant, he should get his application attested by a Municipal Commissioner or a Gazetted Officer in the town or any other class of persons specially or generally authorized by the Government.

FOR OFFICE USE ONLY

Enquiry report of the officer / official:-

Enquiry was conducted on the address given by the applicant in para-6 today and the facts mentioned in the application form have been found to be correct.

Adults	Children	Infants	Total Members

*Signature of the Enquiry Officer with Seal
(Specified Authority).*

Dated

Code No. of the Consumer Card..... Serial No

*Signature of card preparing Officer/
Official. (Specified Authority).*

Dated.....

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‘FORM-‘G’

[See clause-10(2)]

GOVERNMENT OF HIMACHAL PRADESH

FOOD, CIVIL SUPPLIES & CONSUMER AFFAIRS DEPARTMENT

CONSUMER CARD

INSTRUCTIONS

1. In case the Card holder fails to draw quota of specified articles during the month, the same shall stand lapsed.
2. The quantum of specified articles can be enhanced, reduced by the Government from time to time.
3. The Consumer Card holder shall not keep or allow to keep his consumer card with the fair price shop holder, as, by doing so the same can be misused.
4. The Consumer Card holder shall ensure the entry of the specified articles in the consumer card at the time of issue of the same.
5. The Consumer card in respect of a family shall be issued in the name of head of the family only.
6. It may be ensured that only those members of family are mentioned in the application form who are living permanently with him.
7. When a card holder leaves the distribution area he/ she shall deposit the card in the office of the specified authority concerned and to obtain necessary surrender certificate to facilitate issuance of card at the new place.
8. It is necessary to intimate about the increase or decrease in the number of family members at once to the specified authority who has issued the Consumer Card.
9. The only person whose name is entered in the consumer card is entitled to draw the specified articles and the card is valid only for the persons mentioned therein.

Note.- Non-compliance of the above instructions may rendered the fair price shop holder/card holder liable for action under the Essential Commodities Act and Departmental Orders/ Rules:

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Dated.....

Month	Sugar	Wheat/ Atta	Rice	Kerosene Oil	Others
January, 2010					
February, 2010					
March, 2010					
April, 2003					
May, 2010					
June, 2010					
July, 2010					
August, 2010					
September, 2010					
October, 2010					
November, 2010					
December, 2010					
January, 2011					
February, 2011					
March, 2004					
April, 2011					
May, 2011					
June, 2011					
July, 2011					
August, 2011					
September, 2011					
October,					

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2011

Month	Sugar	Wheat/ Atta	Rice	Kerosene Oil	Others
November. 2011					
December. 2011					
January. 2012					
February. 2012					
March. 2012					
April. 2012					
May. 2012					
June. 2012					
July. 2012					
August. 2012					
September. 2012					
October. 2012					
November. 2012					
December. 2012					
January. 2013					
February. 2013					
March. 2013					
April. 2013					
May. 2013					
June. 2013					
July. 2013					

August.

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2013

Month	Sugar	Wheat/ Atta	Rice	Kerosene Oil	Others
September, 2013					
October, 2013					
November, 2013					
December, 2013					
January, 2014					
February, 2014					
March, 2014					
April, 2014					
May, 2014					
June, 2014					
July, 2014					
August, 2014					
September, 2014					
October, 2014					
November, 2014					
December, 2014					

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'FORM-'G/1'

[See clause-10(4)]

GOVERNMENT OF HIMACHAL PRADESH

FOOD, CIVIL SUPPLIES & CONSUMER AFFAIRS DEPARTMENT

(only for Kerosene Oil)

Specified Articles Card:

Town City/Panchayat

1. Ward / Name of the village.....
2. Code No..... Serial No.....
3. Name of the Head of family
- Father / Husband
4. Full address

5.	Number of family Member	Adults	Children	Infants	Total
----	-------------------------	--------	----------	---------	-------

6. Gas Consumer Card..... Single Cylinder/ Double Cylinder.

7. This card is valid from(date)..... to(date)..... only for kerosene oil.

*Signature with seal of the
Distribution Officer.*

*Signature or thumb
Impression of
Recipient of
Consumer card.*

Dated.....

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Handwritten initials or mark in the top right corner.

Only for Kerosene Oil

Name of the Depot / Fair Price Shop

Code No. of the DepotRegistration No. of Card

Signature with seal of the Depot /
Fair Price Shop holder.

Month	Date	Quantity	Price	Signature of Depot Holder
January				
February				
March				
April				
May				
June				
July				
August				
September				
October				
November				
December				

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[See clause 10 (9)]

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**H.P.SPECIFIED ARTICLES (REGULATION OF DISTRIBUTION)
ORDER, 2003**

[See condition No. 4(1) of Form-B]

(Figures in Quintals, Kilograms & Grams).

Date	Name of Specified Articles	Opening Balance	Quantity received	Total (3+4)	Quantity sold	Closing Balance	Remarks, if any
1	2	3	4	5	6	7	8

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H.P.SPECIFIED ARTICLES (REGULATION OF DISTRIBUTION) ORDER, 2003

[See condition No. 4(i) of Form-B]

Daily sale Register to be maintained by wholesaler

(Figures in Quintals, Kilograms & Grams).

Date	Name of the Wholesaler	Authority which issued permit/letter			Quantity authorized
		Designation	Permit/letter No. & Date	Name of Specified article	
1	2	3	4	5	6

Quantity issued/ Sold	Rate	Amount charged	Signature of the person concerned	Remarks, if any
7	8	9	10	11

ANNEXURE-III

H.P.SPECIFIED ARTICLES (REGULATION OF DISTRIBUTION) ORDER, 2003

[See condition 5 of form B & condition 8 of form C]

Monthly statement showing the receipt and sale of specified articles for the month ending.....
(Figures in Quintals, Kilograms & Grams).

Sl. No.	Name of the Specified Articles	Opening Balance	Quantity received during the month	Total	Quantity sold during the month	Closing Balance	Remarks, if any
1	2	3	4	5	6	7	8

Signature of the Wholesaler/Fair Price Shop Holders.

By order.

B.S. CHAUHAN
Principal Secretary

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