

FOOD AND SUPPLIES DEPARTMENT

NOTIFICATION

Shimla-2, the 14th April 1981

No. FDS.A (3) 15/80- In pursuance of clause 23(1) of the Himachal Pradesh Trade Articles (Licensing and Control) Order, 1981, the Governor, Himachal Pradesh is pleased to authorize all the Executive Magistrates, District Inspector, Food & Supplies, Inspector Food & Supplies and Sub-Inspector, Food & Supplies to exercise all the powers of paragraph (a) to (e) of sub-clause (1) of clause 23 of the aforesaid order within their respective territorial jurisdictions.

Shimla, the 14th April, 1981

No. FDS.A(3)15/80.- Whereas the Governor of Himachal Pradesh is of the opinion that it is necessary so to do for maintenance and increase of supplies and for securing the equitable distribution and availability of trade articles or things specified in the schedule-I at fair prices;

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) read with Government of India, Ministry of Agriculture and Irrigation (Department of Food) published under G.S.R. No.800, dated 9th June, 1978 and all other powers enabling him in this behalf, the Governor of Himachal Pradesh is pleased to make the following order, namely:-

THE HIMACHAL PRADESH TRADE ARTICLES (LICENSING AND CONTROL) ORDER, 1981

PART-1

PRELIMINARY

1. Short title, extent and commencement. -


- (i) This order may be called the Himachal Pradesh Trade Articles (Licensing and Control) Order, 1981.
- (ii) It extends to the whole of the State of Himachal Pradesh.
- (iii) It shall come into force from the date of publication in the Official Gazette.

2. Definition.- In this order, unless the context otherwise requires,-

- a) "dealer" means a person, a firm, an association of persons or a 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 but does not include,-
 - (i) a person who holds or is in possession of agriculture land under any tenure or any capacity and on which he raises or has raised crop of foodgrains, oilseeds or whole pulses;
 - (ii) a manufacturer of sugar, gur and khandsari;
 - (iii) a producer of pulses and edible oils;

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- (b) "Director" means the Director, Food, Civil Supplies & Consumer Affairs, Himachal Pradesh & Shall also include the Additional / Joint / Deputy Director of Food, Civil Supplies & Consumer Affairs, Himachal Pradesh;
- (c) "Edible oils" means any one or more of the edible oils specified in Part D of Schedule I;
- (d) "foodgrains" means any one or more of the foodgrains as specified in Part "A" of Schedule I and includes products of such foodgrains other than husk and bran;
- (e) "Form" means a form appended to this Order;
- (f) "gur" means the articles known as gur, gail, jiggery, shaker, other diary products prepared by boiling sugarcane juice with or without admixture of molasses, which is identifiable by the following chemical characteristics namely:-
- (i) total sugars (Sucrose plus reducing sugar) as percentage of dissolved solids ranging from 70.0 to 95.0; and
 - (ii) ash (sulphated) as percentage of dissolve solids ranging from 1.5 to 5.0; and includes a solution of any of aforesaid articles in water;
- (g) "Khandsari" means sugar produced by open pan process;
- (h) "Licensing authority" means the District Food and Supplies Controller of the District concerned or such other officer appointed by the Director to exercise the powers and perform the duties of the Licensing Authority;
- (i) "oilseeds" means any one or more of the oilseeds as specified in Part "C" of the Schedule I;
- (j) "producer" means a person carrying on the business of milling any of the pulses or expelling, extracting or manufacturing or refining any edible oil:-
- (i) by buying pulses or oilseeds for being processed by himself and selling the finished products to a wholesaler or through a Commission Agent; or
 - (ii) by doing any of the processes of milling, expelling, extracting or manufacturing or refining on behalf of another;
- (k) "Pluses" 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 and bran;
- (l) "schedule" means a schedule appended to this Order;
- (m) "State Government" means the Government of the State of Himachal Pradesh.
- (n) "Sugar" means any form of sugar containing more than 90% of sucrose;
- (o) "trade article" means any commodity mentioned in Schedule-I;
- (p) "iodized salt" means salt used for human consumption mixed with such percentage of iodine as approved by the Salt Commissioner, Government of India from time to time and
- (q) "Tea" (Omitted vide notification No. FDS-A(3)4/95, dated 30.9.96.


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PART-II

LICENSING OF DEALERS

3. Licensing of Dealers.- (i) No dealer shall, after the commencement of this order, carry on business of purchase, sale or storage for sale of any of the trade article 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 who stores for sale or sells at any one time the trade articles in quantities not exceeding the limits as may be prescribed by the State 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 30 days of the commencement of this order. His existing licence shall be deemed to be a licence issued to him as a dealer under this Order upto the said day or within such further extended time as the Licensing Authority may specify with the permission of the Director, but such period shall not exceed 60 days in any case.

(2) For the purposes of this clause, any person who stores any trade article at any one 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 dealer and to store the same for the purpose of sale.

4. Issue of license (1) Every,-

- a) application for the grant of a licence shall be made to the licensing Authority in form A along with the prescribed fees;
- b) licence issued under this Order shall be in form "C" and subject to the terms and conditions mentioned therein;
- c) Licensing Authority shall keep a duplicate copy of the licence in form "C".
- d) Licence shall be valid upto 31st December of calendar year; and
- e) 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 may obtain a licence for any one or more trade articles mentioned in Schedule-I;

(3) A separate licence shall be necessary for each place of business.

5. Renewal of license,- (1) An application for renewal of licence in Form 'B' shall be made alongwith the fee determined under clause 6 to the Licensing Authority before the expiry of the license;
Provided that Licensing Authority may entertain an application upto 31st March, upon the payment of late fee as specified below:-

- (i) For the first fortnightRs. 5.
- (ii) For the second fortnightRs. 10.
- (iii) For each subsequent fortnightRs 20.

Provided further that it shall not be necessary for the licensee to send the licence (in original) to the Licensing Authority for renewal and the licensing authority shall deliver or convey the renewal of he licence in form 'C';

Provided that if the licence is not renewed within 3 months after the expiry of the validity of licence i.e. upto 31st March of he year the same shall stand cancelled and the security shall also stand forfeited

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the Government. This cancellation of licence and forfeiture of security does not in any way affect the right of the dealer to obtain a new licence after deposit of the usual licence fee:

Provided further that if the licensee discontinues his business during the validity of the licence he shall have to surrender his licence to the Licensing Authority to claim the refund of the security deposit:

(2) The licensee may renew the licence for a period upto 3 years at a time on deposit of the prescribed fee or the relevant years.

6. Fee chargeable,- (1) The fee chargeable in respect of the issue of a licence, renewal, and issue of a duplicate licence shall be as under:-

- (a) for issue of a licenceRs. 15.
- (b) for renewal of a licenceRs. 10
- (c) for issue of duplicate licence:Rs. 20

(2) Mode of payment of licence fee.- The prescribed fee for the issue, renewal and issue of a duplicate licence may be deposited in any of the following manner:-

- (a) By cash deposit in the office of the licensing authority against proper receipt.
- (b) By remittance through money order.
- (c) By deposit in any of the Government Treasury/Sub-Treasury/State Bank of India
- (d) By remittance through the Indian Postal Orders.
- (e) By any other manner notified by the Director.

(3) The Licensing Authority shall maintain proper account of the fees so deposited by the licensee.

7. Deposit of security,- Every dealer applying for a licence shall, before such licence issued to him, deposit the security with the Licensing Authority the sum specified in Schedule-I in cash or in any other manner as may be specified by the Licensing Authority subject to any directions issued in this behalf by the State Government for the due performance of the term and conditions of the licence issued to him.

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 accorded by him in writing refuse to grant or renew a licence.

(2) The Licensing Authority may also refuse to grant a licence for a particular trade article if:-
a) License has already been issued to another dealer at the same place of business for the trade articles for which the applicant has applied for.

9. Addition and alteration to licence,- The Licensing Authority may make addition deletions and alterations in the entries made in the licence relating to godown, place of business name of partners on the application of the licensee.

10. Contravention of conditions of licence,- No holder of licence issued under this order or his agent 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 entry will be made in his licence relating to such suspension or cancellation.

(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 proceedings of cancellation of licence, the licence can be suspended for a period not exceeding 30 days without giving any opportunity to the licensee of stating his case.

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12. **Disposal of trade articles when licence is suspended or cancelled.**- When a licence issued under this Order is cancelled or suspended, the stocks of trade articles available with the dealer 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.

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 after decision of first appeal if preferred or after the expiry of period of limitation.

14. **Forfeiture of security.**- (1) Without prejudice to the provisions of clause II, 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 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 Schedule II of 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.

15. The licensee shall not either by himself or by any persons on his behalf store or have in possession at any time any trade article mentioned in Schedule I 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.

16. **Returns.**- Every licensee shall furnish a return in form 'D' to the Licensing Authority or any other officer authorized by the Licensing Authority and in such manner or for such period as may be specified by the Licensing Authority from time to time;

Provided that the onus of having security periodical return/information shall be upon the licensee.

PART-III


MISCELLANEOUS

17. **Power to call information Issue directions.**- Every licensee 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. The Licensing Authority may issue directions to any licensee with regard to purchase, sale, disposal and storage of all or any of the trade articles.

18. **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 there upon the Schedules shall be deemed to have been amended accordingly.

19. The Director shall have all the powers of the Licensing Authority in addition to the power specified in this order.

20. **Appeal.** (1) Any person aggrieved by an order, made by the Licensing Authority may appeal within 30 days from the receipt of the order to:


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- a) The Director, Food, Civil Supplies & Consumer Affairs, Himachal Pradesh, where the order has been passed by the Licensing Authority;
 - b) The Secretary, (Food, Civil Supplies & Consumer Affairs), to the Govt. of Himachal Pradesh where the order has been passed by the Director;

Provided that the appellate authority, for the reasons to be recorded in writing, may entertain an appeal after the 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:

- (1-A) Every appeal shall be filed in duplicate and shall be accompanied by an attested copy of the order appealed against;
- (2) No order, which adversely affects any person, shall be passed under this clause unless such person has been given reasonable opportunity of being heard.
- (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.

21. Review,- On the application from the aggrieved party, the Director may review his own orders passed while exercising the powers of Licensing Authority conferred upon him under the provisions of this order;

22. Revision,- The Director, suo-moto or on an application, may call for the record of any case, decided by the Licensing Authority under the provisions of this order and if he is satisfied that the Licensing Authority:-

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

23. Power of entry, search and seizure etc,- (1) The Licensing Authority or any other officer not below the rank of Sub-Inspector authorized by the State Government in this behalf, within his jurisdiction, may with a view to securing the compliance of this order or to satisfy himself that this order has been complied with, such assistance, if any, as he thinks fit-

- (a) require, the owner, occupier or any other person incharge of any place, premises, vehicle or vessel 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;
- (b) enter, inspect or break open and search any place or premises, vehicle 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 (Central Act 10 of 1955) and the person from whose custody such books of accounts or documents are seized shall be entitled to make copies thereof or to take extract there from in the presence of an officer having the custody of such books of accounts or documents;
- (d) search, seize and remove stocks of trade articles alongwith the package, covering 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 its order and thereafter take or authorize the taking of all measures necessary for securing the production of stocks of trade articles and the animals, vehicles, vessels, or other conveyance so seized before the District magistrate 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.

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4. Exemption,- (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 Co-operative 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 on behalf of-
- (i) the Central Government; or
 - (ii) the State Government; or
 - (iii) the officers, departments, institutions or other organizations of the State Government or such agencies as may be approved by the State Government.

25. 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 anything 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 effect anything done or omitted to be done or any action taken under the orders so repealed and the provisions contained in the Himachal Pradesh General Clauses Act, 1968 shall apply to such repeal as they apply to the repeal of any Himachal Pradesh Act.


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By order
S.M.KANWAR,
Commissioner-cum-Secretary

SCHEDULE-I
Part-"A" (FOODGRAIN)
(See Clause 2)

1. Rice. (Upto 30-11-2011 or till any order issued by the GOI)
2. Paddy. --do--

Part-"B" (PULSES)

1. Pulses (whole or Split). (Upto 30-9-2014 or till any order issued by the GOI)

PART-"C" (OIL SEEDS)

1. Edible Oil Seeds. (Upto 30-9-2014 or till any order issued by the GOI)

PART-"D" (EDIBLE OILS)

1. Edible Oils. (Upto 30-9-2014 or till any order issued by the GOI)

PART-'E' (OTHER ARTICLES)

1. Sugar. (Upto 30-11-2011 or till any order issued by the GOI)
2. Iodized Salt.

SCHEDULE-II
(See clause-7)

Amount of Security.

1. For those Licensees who deal in all the trade articles included in Schedule I or more than one part of trade of Schedule 1. Rs. 1000/-
2. For those who deal in Foodgrains only:
 - (a) If annual sale of foodgrains exceeds 2400 quintals Rs. 500/-
 - (b) If annual sale is less than 2400 quintals but more than 1200 quintals Rs. 300/-
 - (c) If annual sale is more than 300 quintals but less than 1200 quintals Rs. 200/-
 - (d) If annual sale less than 300 quintals Rs. 100/-
3. For those who deal in trade articles mentioned in Part B, C, D of Schedule-I:
 - (a) If the annual sale does not exceed 150 quintals Rs. 200/-
 - (b) If the annual sale exceeds 150 quintals Rs. 500/-
4. For those who deal in articles included in part E of Schedule-I:
 - (a) If the annual sale exceeds 250 quintals Rs. 500/-
 - (b) If the annual sale does not exceed 250 quintals Rs. 200/-

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SCHEDULE-III

{ See clause-25 }

1. The Himachal Pradesh Foodgrains Dealers Licensing Order, 1968.
2. The Himachal Pradesh Wheat Dealers Licensing and Price Control Order, 1973.
3. The Himachal Pradesh Pulses, Edible Oils Seeds and Edible Oil Dealers (Storage and Licensing Control) Order, 1978.
4. The Himachal Pradesh Sugar Dealers Licensing Order, 1967.
5. The Himachal Pradesh Khandsari and Gur Dealers Licensing Order, 1967.

FORM -A

[See clause 4 (1) (a)]

APPLICATION FOR GRANT OF LICENCE

To

The Licensing Authority.
.....
.....

Sir,

I hereby apply for the grant of a Licence under the Himachal Pradesh Trade Article (Licensing and Control) Order, 1981. The required particulars are given hereunder:-

1. Applicant's particulars.....
Name.....S/O.....
Age.....Caste.....
2. Residential address of applicant:
House No.....(b) Mohalla.....
© 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.....
© Village/Town.....(d) Tehsil.....
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.....

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

1.
2.
3.
4.

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

- (i) Name of the trade articles.....
- (ii) Licence No.....
- (iii) Amount of security deposited with Challan No. and date.....

8. Does the applicant want to get the security mentioned at item No.7 above adjusted towards 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:-

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

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 an insolvent by a Court ?

15. Whether the applicant is a lunatic or have unsound mind.

Ideclare that the particulars mentioned at item No. 1 to 15 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 Himachal Pradesh Trade Articles (Licensing and Control) Order, 1981 and I agree to abide by them.

Place.....

Date.....

Signature of Proprietor/Partner.

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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 Himachal Pradesh Trade Articles (Licensing and Control) Order, 1981. 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]
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Signature of applicant.

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FORM-C

[See clause 4(1)(b)]

**THE HIMACHAL PRADESH TRADE ARTICLES (LICENSING
AND CONTROL), ORDER, 1981.**

LICENCE

- (i) Licence No.....
- (ii) Security deposited Rs.....vide Challan No. and date.....
- (iii) Name of dealer along with partners, if any:
- (1).....
- (2).....
- (3).....

Terms and conditions;

(1) Subject to the provisions of the Himachal Pradesh Trade Articles (Licensing and Control) Order, 1981 and to the terms and conditions of this Licence. Mr./M/sis/are hereby authorized to purchase, sell or store for sale the under mentioned trade articles;

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....

(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.....
- 5.....

Note:- If the licensee intend to store the trade articles in place other than those specified above, he shall give intimation in writing to the Licensing Authority within a period of 24 hours of actually storing of these trade articles therein. He shall also produce the licence before the Licensing Authority within a fortnight of his giving intimation mentioned above; for the purpose of making requisite charges;

Provided that the stocks of trade articles held up in transit for more than 24 hours because of transportation difficulties or otherwise the licensee shall intimate to the Licensing Authority of the area concerned about the particulars of trade articles so held up along with reasons thereof with a copy to the Licensing Authority who has issued the licence.

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3.(a) The Licensee shall maintain a stock register of daily account in Form E for the trade articles mentioned in Schedule-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 indicating Voucher No. and Date.
- (iii) the quantities delivered or otherwise removed on each day showing the places of destination; and
- (iv) the closing stock on each day.

Explanation:- (a) 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 complete the entries in the Stock Register for each day latest by the beginning of the transaction on the following day; unless prevented by reasonable cause, the burden of proving which shall lie upon him.
- (c) A licensee who himself is a producer of foodgrains, oil seeds or whole pulses, shall separately show the stock of his own produce in the stock register, if such stocks are stored in his business premises.

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:-

- (i) enter into any transaction involving purchases, sale or storage for sale of trade articles in a speculative manner prejudicial to the maintenance and easy availability of their supplies in the market. Speculative manners includes stock held without proper vouchers of purchase or sale;
- (ii) sell or offer to sell any trade article at a price higher than that specified or fixed in respect of such article under any law for the time being in force;
- (iii) refuse to sell to any person any trade articles kept for sale at the price specified or fixed under any law for the time being in force;
- (iv) keep in his possession stocks of trade articles exceeding the limits fixed under clause 13.

6. The licensee shall display a list of prices and stocks of the trade articles he deals in, in accordance with the provisions of Himachal Pradesh Commodities Price Marking and Display Order, 1977.

7. The Licensee shall issue to every customer of such trade articles a cash memo or invoice as the case may be, giving his own name and Licence No. Name, Address, 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 authorized 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 Rs.25 unless demanded by the customer.


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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 Schedule-1 or.

10. The licensee shall comply with any direction that may be given to him by the State Government or the Director 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 invoice shall be written and in regard to the authentication and maintenance of the register mentioned in Paragraphs 3 above.

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

12. Every licensee shall take adequate measures to ensure that 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 chemicals likely to contaminate such articles are not stored alongwith these articles in the same godowns or in immediate juxtaposition to the stocks of the trade articles.

13. The licensee shall not sell or offer to sell any trade articles at a price higher than that fixed for that articles by the competent authority, in pursuance of any power conferred upon it/him by law.

14. The licence shall be valid upto 31st December,

Place.....

(Licensing Authority)

Date.....

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'FORM-D'

[See clause-16]

Return for the period.....Name.....Licence No.....

1. Name of Trade Article.....
2. Stocks at the beginning of day/week/fortnight/month/quarter.....
3. Stocks purchased or otherwise received during day / week / fortnight / month / quarter.....
4. Total.....
5. Stocks sold or otherwise removed during the day/week/fortnight/month/quarter.
6. Stocks at the end of day/week/fortnight/month/quarter.
7. Remarks:-

Place.....

Signature.

Date.....

To

The Licensing Authority,
.....

N.B.:-

1. Weight is to be entered in liters/kg/quintals/tones.
2. Goods pledged with Bank, Co-operative Society etc. are also to be included in the above figures and a note be given in the remarks column.
3. Fraction need not be mentioned. Figures may be rounded off to the nearest liters/kg/quintals/tones.
4. Small packs of hydrogenated vegetable oils, edible oils or gur, etc. may be first converted into quintals etc. and then included in this return.

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'FORM-E'
[See condition 3 of the Licence]
STOCK REGISTER

Name of trade article.....

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

.....

FORM-C-1

1. Licence No.....
2. Name and address of Licensee.....
3. Period upto which the licence is/was valid.....
4. Period for which renewed.....

(Signature and Stamp of the Licensing Authority).

Place.....

Date.....

Note: - The Licensing Authority shall keep a duplicate of it alongwith the duplicate copy of licence issued.

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'FORM-E'
[See condition 3 of the Licence]
STOCK REGISTER

Name of trade article.....

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

.....

FORM-C-1


1. Licence No.
2. Name and address of Licensee.....
3. Period upto which the licence is/was valid.....
4. Period for which renewed.....

Place.....

(Signature and Stamp of the Licensing Authority).

Date.....

Note: - The Licensing Authority shall keep a duplicate of it alongwith the duplicate copy of licence issued.


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FOOD AND SUPPLIES DEPARTMENT ,


NOTIFICATION

Partially modified vide Govt. Notification No.FDS.A (3) 3/90-I, dated 17. 4.1997.
Shimla-2, the 14th April 1981

No.FDS (3) 15/80, - In exercise of the powers conferred by first proviso to clause 3(1) of the Himachal Pradesh Trade Articles (Licensing and Control) Order, 1981 the Governor of Himachal Pradesh is pleased to prescribe the limits for different trade articles specified in column No.1 of the Schedule appended hereto for which no licence shall be required for a dealer who does not store for sale at any one time the trade articles exceeding in quantity mentioned against each in column No.2 thereof:-

THE SCHEDULE

2.	3.
1. Foodgrains	20 quintals of any one of the foodgrains or upto 60 quintals of all the foodgrains
2. Pulses	30 quintals of all the pulses taken together
3. Oilseeds including groundnut in shell	50 quintals for all edible oilseeds taken together.
4. Edible oil including Hydrogenated Vegetable oils	10quintals for all edible oil taken together
5. Sugar	20 quintals
6. Gur and Khandsari	20 quintals
7. Tea (omitted)	50 quintals
vide notification 3/9/1996	
8. Iodized Salt	20 quintals.


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By order
sd//
Commissioner-cum-Secretary

Authoritative English text of this Department notification No. FDS-A (3)-3/ 90-I dated 11-9-2006 as required under clause (3) of article 348 of the Constitution of India.

Government of Himachal Pradesh
Food, Civil Supplies & Consumer Affairs Department

No. FDS-A(3)-3/90-I.

Dated: Shimla-171002, the 11th September, 2006.

NOTIFICATION

In exercise of the powers conferred by clause 18 of the Himachal Pradesh Trade Articles (Licensing and Control) Order, 1981, read with GSR No.104-(E) dated 15.2.2002 and S.O.1373(E) dated 29th August, 2006 of the Central Government, Ministry of Consumer Affairs, Food and Public Distribution (Department of Consumer Affairs), the Governor of Himachal Pradesh is pleased to make the following order further to amend the Schedule -I appended to the Himachal Pradesh Trade Articles (Licensing and Control) Order, 1981, namely:-

Short Titled and
Commencement •

1. (1) This order may be called the Himachal Pradesh Trade Articles (Licensing and Control) Amendment Order, 2006.
- (2) It shall come into force at once and shall remain in force for a period of six month or till any order issued by the Government of India in this behalf whichever is earlier.

Amendment of
Schedule-I

2. In Schedule-I appended to the Himachal Pradesh Trade Articles ((Licensing and Control) Order, 1981

(a) Under Part-"A" (FOODGRAINS) the following item shall be added, namely:-

"Wheat and wheat products."

(b) Under Part-"B" (PULSES) the following item shall be added, namely:-

"PULSES (Whole or split)."

By Order

Parminder Hira Mathur
Additional Chief Secretary (FCS&CA) to the
Government of Himachal Pradesh.

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Authoritative **English** text of this Department notification No. FDS-A (3)-3/ 90-I dated 13-03-2007 as required **under clause (3)** of article 348 of the Constitution of India.

Government of Himachal Pradesh
Food, Civil Supplies & Consumer Affairs Department

No. FDS-A(3)-3/90-II.

Dated: Shimla-171002, the 13th March, 2007.

NOTIFICATION

In continuation of this department's Notification of even number dated 11-09-2006, vide which "Wheat and wheat products" and "Pulses (Whole or split)" have been added in the Schedule-I appended to the Himachal Pradesh Trade Articles (Licensing and Control) Order, 1981 for the period of six months or till any order issued by the Government of India in this behalf, whichever is earlier. The Central Government, Ministry of Consumer Affairs, food and Public Distribution (Department of Consumer Affairs), vide their S.O.297(E) published in the Extra Ordinary Gazette of India on dated 27-02-2007 has now extended the validity of the said order beyond 28-02-2007 for another six months. Hence, the Governor, Himachal Pradesh is pleased to extend the validity of the said order as issued by this department on dated 11-09-2006 for a period of another six months or till any order issued by Government of India in this behalf, whichever is earlier with immediate effect.

By Order

Parminder Hira Mathur
Additional Chief Secretary (FCS&CA) to the
Government of Himachal Pradesh.

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Authoritative English text of this Department notification No. FDS-A (3)-3/ 90-II dated 15-02-2007 as required under clause (3) of article 348 of the Constitution of India.

Government of Himachal Pradesh
Food, Civil Supplies & Consumer Affairs Department

No. FDS-A(3)-3/90-II.

Dated: Shimla-171002, the 15th February, 2007.

NOTIFICATION

In exercise of the powers conferred by section 3 of the Essential Commodity Act, 1955 (Act 10 of 1955) read with Government of India, Ministry of Agriculture (Department of Food) Order No. G.S.R. 800 dated 9th June, 1978, the Governor of Himachal Pradesh is pleased to make the following order further to amend the Himachal Pradesh Trade Articles (Licensing and Control) Order, 1981, notified vide this Department's Notification No. FDS-A(3)-15/80 dated the 14th April 1981 and published in the (Extraordinary) Rajpatra of Himachal Pradesh Government dated 23rd May, 1981, namely:-

Short titled

1. This order may be called the Himachal Pradesh Trade Articles (Licensing and Control)(First Amendment) Order, 2007.

Amendment of Clause 2.

2. In the Himachal Pradesh Trade Articles (Licensing and Control) Order, 1981 (hereinafter referred to as the 'said order') in clause 2, for sub-clause (b) the following shall be substituted, namely:-

"Director" means the Director, Food, Civil Supplies & Consumer Affairs, Himachal Pradesh & Shall also include the Additional / Joint / Deputy Director of Food, Civil Supplies & Consumer Affairs, Himachal Pradesh."

Amendment of clause 20.

3. In clause 20 of the said order, for sub-clause (1) the following shall be substituted, namely:-

"(1) Any person aggrieved by an order, made by the Licensing Authority may appeal within 30 days from the receipt of the order to;

(i) The Director, Food, Civil Supplies & Consumer Affairs, Himachal Pradesh, where the order has been passed by the Licensing Authority;

(ii) The Secretary, (Food, Civil Supplies & Consumer Affairs), to the Govt. of Himachal Pradesh where the order has been passed by the Director;

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Provided that the appellate authority, for the reasons to be recorded in writing, may entertain an appeal after the 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:

(1-A) Every appeal shall be filed in duplicate and shall be accompanied by an attested copy of the order appealed against:

By Order

Parminder Hira Mathur
Additional Chief Secretary (FCS&CA) to the
Government of Himachal Pradesh.

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