

IMPORTED CARS (CONTROL) ORDER, 1961

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IMPORTED CARS (CONTROL) ORDER, 1961

S.O. 352, dated the 28th January, 1961.-In exercise of the powers conferred by S.18G of the Industries Development and Regulation Act, 1951, the Central Government hereby makes the following Order namely:

1. Short title, extent and commencement :-

- (1) This Order may be called the Imported Tourist Cars (Control) Order, 1961.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on the 28th January, 1961.

2. Definitions :-

In this Order,-

- (a) "allottee" means a person to whom an imported tourist car has been allotted by
- (b) "Controller" means a person appointed by the Central Government to be the Controller of Imported Tourist Cars for the purposes of this Order and includes any other person authorised by the Central Government to perform the functions assigned to the Controller by this Order:
- (c) "Imported tourist car" means a motor car which is imported into India whether in built-up conditions C.K.D. units or S.K.D. units

and which is declared by the Central Government or an officer authorised by that Government in this behalf to be a tourist car for the purposes of this Order and includes every such motor car whether called a station wagon, a utility type passenger car, air-conditioned car or by any other name.

3. Allotment of imported tourist cars :-

(1) All imported cars shall be allotted by the Controller to such persons, in such areas and in such number as he may, having regard to the matters specified in sub-clause (2), determine.

(2) In allotting imported tourist cars under sub-clause (1) the Controller shall have regard to-

(a) the number of such cars available for allotment;

(b) the requirement of particular areas;

(c) the standing and the financial stability of the applicant for allotment.

4. Sale and use of imported tourist cars :-

No imported tourist car shall be sold by an importer thereof to any person other than an allottee and no allottee shall use any imported tourist car except and in accordance with the terms and conditions of a permit granted to him by the Controller.

5. Restriction on re-sale by allottee :-

(1) Except with the special permission of the Controller in writing, no allottee shall sell or offer to sell, or enter into any other transaction involving the transfer or possession of an imported tourist car to any other person unless-

(a) a period of four years has expired from the date on which such car was first purchased by him on an allotment by the Controller; and

(b) such car has done a mileage of one hundred thousand miles.

(2) In granting or refusing special permission under sub-clause (1), the Controller shall have regard to the circumstances relating to the proposed transaction and the purposes of this Order.

5A. Additional restrictions on re-sale in the case of certain imported tourist cars :-

(1) Where an imported tourist car is allotted after the commencement of the Imported Tourist Cars (Control) Amendment Order, 1955, the allottee shall not sell or offer to sell or enter into any other transaction involving the transfer or possession of the car-

(a) to or with any person or agency other than a person or agency approved in writing by the Controller;

(b) at a price or consideration exceeding that fixed by the Controller in this behalf.

(2) In approving any person or agency under sub-clause (1) the Controller shall have regard to the circumstances relating to the proposed transaction and the purpose of this Order and in fixing the price of a car under that sub-clause, the Controller shall have regard to the price of the car at the time of allotment under Cl. 3, the wear and tear and the consequent depreciation in value of the car subsequent to such allotment and the actual condition of the car and such other circumstances as may appear to be relevant.

(3) Any person aggrieved by the price fixed by the Controller under sub-clause (1) may appeal to the Central Government and the decision of the Central Government on such appeal shall be final.

(4) the provisions of this clause are in addition to, and not in derogation of, the provisions of Cls. 4 and 5.]

6. Effect of orders :-

The provisions of this Order shall have effect in relation to imported tourist- cars in addition to, and not in derogation of, any other conditions applicable to them under any other law for the time being in force.