

KEROSENE (FIXATION OF CEILING PRICES) ORDER, 1970

CONTENTS

1. Short title, extent and commencement
2. Definitions
3. Fixation of maximum selling price of kerosene
- 3A. 3A
4. Kerosene stock to be displayed
- 4A. 4A
5. Prohibition against withholding kerosene from sale
6. Inspection and maintenance of books of accounts, documents and records
7. Power of entry, search and seizure
8. Provisions of the Order to prevail over previous Orders of State Governments, etc
9. Saving

SCHEDULE 1 :- THE SCHEDULE

KEROSENE (FIXATION OF CEILING PRICES) ORDER, 1970

G.S.R. 864, dated the 1st June, 1970 3 .-In exercise of the powers conferred by Sec. 3 of the Essential Commodities Act, 1955(10 of 1955), and in supersession of the Kerosene (Fixation of Ceiling Prices) Order, 1966, the Central Government hereby makes the following Order namely :

1. Short title, extent and commencement :-

- (1) This Order may be called the Kerosene (Fixation of Ceiling Prices) Order, 1970.
- (2) It extends to the whole of India.
- (3) It shall come into force on the 1st day of June, 1970.

2. Definitions :-

In this Order, unless the context otherwise requires,-

(a) "dealer" means a person carrying on the business of selling kerosene, whether wholesale or retail and whether in conjunction with any other business or not, and includes-

(i) his representative or agent; and

(ii) an oil company making wholesale supply from its storage or selling point;

(b) "declared price" in relation to a variety of kerosene sold in any area ¹ [means the maximum selling price declared in accordance with the provisions of Cl.3]-

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

(2) by the Administrator of a Union Territory in the case of an area in a Union territory, or

(3) by such officer as the State Government or the Administrator of a Union Territory, as the case may be, may empower in this behalf, as the price at which that variety of kerosene is to be sold by a dealer in that area from the 1st day of June, 1970, or from the date of the declaration of price by the aforesaid authorities;

(c) the expression "kerosene" shall have the meaning assigned to it in Item No. 7 of the First Schedule to Central Excises and Salt Act, 1944, and shall include aviation turbine fuel;

(d) "schedule price" in relation to a variety of kerosene sold in any area means the basic ceiling selling price of that variety of kerosene at the nearest main port or the refinery, as the case may be, as indicated in Item I of the Schedule appended to this Order.

1. Subs. by G.S.R. 456, dated the 25th March, 1971.

3. Fixation of maximum selling price of kerosene :-

On and from the date of commencement of this Order no dealer shall sell kerosene to any person at a price which is in excess of the ¹[declared price which shall include] the following, namely :

(a) the schedule price;

(b) the increase or decrease, if any, in Central duties after the 1st day of June, 1970, as the Central Government may, by notification in the Official Gazette, specify in this behalf;

²["(c)

(i) the rate of dealers' commission at rupees eight per kilolitre;

(ii) reimbursement, if allowed by the State Government or with the previous approval of the State Government, by the District Collector, or the Deputy Commissioner of the area, as the case may be, or if allowed by the Administrator of a Union territory, by notification in the Official Gazette of any extraordinary expenditure which the dealers may have to incur under local conditions;

(d)

(i) the railway freight actually payable on the 1st day of June, 1970, for transporting the quantity of kerosene from the nearest port of installation or the refinery, as the case may be, to the place of sale and the increase or decrease, if any, in such freight after that date;

(ii) the road transportation charges actually payable on the 1st day of June, 1970, for the transportation of supplies of kerosene by road by the dealer from the nearest storage or selling point of any oil company to the place of sale, as the State Government ³[or with previous approval of the State Government of

District Collector or the Deputy Commissioner of the area] or the Administrator of a Union territory, as the case may be, may, having regard to the transportation charges payable for the transportation of goods by the shortest route, allow and the increase or decrease therein, if any, after that date: Provided that for the sale of kerosene in the ⁴[State of Assam, Meghalaya, Nagaland, Manipur and Tripura and the Union Territory of Mizoram and Arunachal Pradesh] a flat transportation surcharge in lieu of the charges specified in sub-clauses (i) and (ii) above, shall be added as shown at Item II of the Schedule appended to this Order;

(e) the sales-tax and any other local tax payable on the 1st day of June, 1970, on the quantity of kerosene, and the increase or decrease, if any, therein after that date; ⁵

(f) the price of container as shown in Item III of the Schedule appended to this Order for all supplies of kerosene in eighteen decimal five litre tins;

(g) the surcharge, if any, over the basic ceiling selling prices mentioned in the Schedule appended to this Order which may be imposed by the Central Government from time to time.

1. Subs. by G.S R. 456, dated the 25th March, 1971.

2. Subs. by G.S.R. 915(E), published in the Gazette of India, Extraordinary, Pt. II, Sec. 3 (ii). No. 402, dated the 13th December, 1976.

3. Clauses "3-A and 4-A" as inserted by G.S.R. 88(E), dated 17th February, 1983 and omitted by G.S.R. 275(E). dated 18th March 1983

4. Ins. by G.S.R. 276(E), dated the 8th May, 1972.

5. Subs. by G.S.R. 330(E), dated the 6th May, 1972.

3A. 3A :-

* *]

4. Kerosene stock to be displayed :-

Every dealer shall cause to be prominently displayed on a special board to be maintained for this purpose at or near the entrance of the place of sale-

(a) the varieties of kerosene held by him from time to time in stock for ready delivery;

(b) the declared price of each such variety of kerosene; and

(c) the price at which he proposes to sell each such variety of kerosene.

4A. 4A :-

* * *]

5. Prohibition against withholding kerosene from sale :-

No dealer having stock of kerosene shall withhold it from sale.

6. Inspection and maintenance of books of accounts, documents and records :-

Any officer authorized in this behalf by the State Government in relation to a territory in a State or, as the case may be, by the Administrator, in relation to a territory in a Union territory, may, with a view to securing compliance with

this Order-

(i) require the dealer to maintain and produce for inspection such books of accounts or other documents and records relating to his business and to furnish such information relating thereto, as may be specified in such authorization, and

(ii) prescribe the manner in which accounts of sale or purchase of or other transactions in kerosene shall be kept.

7. Power of entry, search and seizure :-

(1) ¹[Any police officer not below the rank of a sub-inspector or any other officer of Government of or above an equivalent rank] authorized in this behalf by the State Government in relation to a territory in a State or, as the case may be, by the Administrator, in relation to a territory in a Union Territory, may with a view to securing compliance with this Order or to satisfying himself that this Order has been complied with and with such assistance, if any, as he thinks fit-

(i) enter, inspect or break open and search any place or premises, vehicle or vessel which he has reason to believe has been or is being used for the contravention of this Order; and

(ii) search, seize and remove stocks of kerosene and the animals, vehicles, vessels, or other conveyance used in carrying kerosene in contravention of the provisions of this Order, and thereafter take or authorize the taking of all measures necessary for securing the production of the said stocks and the animals, vehicles, vessels or other conveyance so seized, in a court and for their safe custody pending such production.

(2) The provisions of ² [S.100 Code Of Criminal Procedure, 1973] relating to search and seizure shall, so far as may be, apply to searches and seizures under this Order.

1. Subs. by G.S.R. 567(E), dated the 29th November, 1975.

2. Subs. by G.S.R. 567(E), dated the 29th November, 1975.

8. Provisions of the Order to prevail over previous Orders of State Governments, etc :-

The provisions of this Order shall have effect notwithstanding anything to the contrary contained in any Order made by the State Government or the Administrator of a Union territory or by any officer of such State Government or Union Territory before the commencement of this Order, except as respects anything done or omitted to be done thereunder before such commencement.

9. Saving :-

Nothing contained in this Order shall apply to the sale at airfields of Aviation Turbine Fuel to the International Airlines including Air India].

SCHEDULE 1

THE SCHEDULE

[See Cls. 2 (d) and 3] 1. Basic Ceiling selling prices of Kerosene in bulk per kilolitre ex-Main

port/Refinery:-

Sl. No. Main Port/Refinery \ Kerosene Aviation Turbine \ Rs. Fuel \ Rs.

1. Bombay/Koyali/Mathura/Madras/Cochin/ \ 2201.54 \ 9840.46
Visakhapatnam/Haldia/Digboi/Guwahati/ \ \ Barauni/Bongaigaon. \ \ 2. Calcutta \ 2222.35 \
9860.85 3. Kandla \ 2235.92 \ 9874.76 4. Okha \ 2248.34 \ 9887.17 5. Goa \ 2232.10 \
9870.95

II. Price of 18.5 litre tin Rs. 4.75 per tin.