

LIGHT DIESEL OIL (FIXATION OF CEILING PRICES) ORDER, 1973

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SCHEDULE 1 :- THE SCHEDULE

LIGHT DIESEL OIL (FIXATION OF CEILING PRICES) ORDER, 1973

G.S.R. 189(E), dated the 1st April, 1973.-In exercise of the powers conferred by Sec. 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order namely :

1. Short title, extent and commencement :-

This Order may be called the Light Diesel Oil (Fixation of Ceiling Prices) Order, 1973.

1 [(2) It extends to the whole of India.

(3) It shall come into force in the State of Punjab, Rajasthan, Gujarat and Haryana on the 1st day of April, 1973 and in the remaining States and in the Union Territories on the date of publication of the Diesel Oil (Fixation of Ceiling Prices) Second Amendment Order, 1973 in the Official Gazette and any reference in this order to "the date of commencement of this order" shall, in relation to any State or Union Territory mean the date on which this order comes into force in such State or Union Territory.]

1. Subs. by G.S.R. 330(E), dated 30th June, 1973.

2. Definitions :-

In this Order, unless the context otherwise requires,-

(a) "dealer" means a person carrying on the business of selling Light Diesel Oil, 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 Light Diesel Oil sold in any area in the State means the maximum selling price declared in accordance with the provisions of Cl. 3-

(1) by the State Government or District Collector ¹[* * *] or

(2) by such officer as the State Government may empower in this behalf, as the price at which the Light Diesel Oil is to be sold by a dealer in that area from the date of commencement of this Order or from the date of the declaration of price by any of the aforesaid authorities;

(c) the expression "Light Diesel Oil" shall have the meaning assigned to it in Item No. 9 of the First Schedule to Central Excises and Salt Act, 1944;

(d) "schedule price", in relation to Light Diesel Oil sold in any area in the State means the price of Light Diesel Oil at the nearest main port or the refinery, as the case may be, as indicated in the Schedule appended to this Order.

² [(e) "State" includes a Union territory;

(f) "State Government", in relation to a Union Territory, means the Administrator there of appointed by the President under Art. 239 of the Constitution.]

1. The words "in the case of an area in the State" omitted by G.S.R. 330(E), dated 30th June, 1973.

2. Ins. by G.S.R. 330(E), dated 30th June, 1973.

3. Fixation of maximum selling price of Light Diesel Oil :-

On and from the date of commencement of this order, no dealer shall sell Light Diesel Oil to any person at a price which is in excess of the declared price which shall include the following, namely:

(a) the schedule price;

(b) the increase or decrease, if any, in Central duties after the date of commencement of this Order ¹[* * *]

2 [(c)

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

(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, 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 date of commencement of this Order for transporting the quantity of Light Diesel Oil 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 date of commencement of this Order for the transportation of supplies of Light Diesel Oil 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 or with the previous approval of the State Government, the District Collector or the Deputy Commissioner of an area in the State 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;

(e) the sales-tax and any other local tax payable on the date of commencement of this Order on the quantity of Light Diesel Oil, and the increase or decrease, if any, therein after that date;

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

1. The words "as the Central Government may by notification In the Official Gazette specify in this behalf omitted by G.S.R. 330 (E), dated 30th June, 1973.

2. Subs. by G.S.R. 915(E), published in the Gazette of India,

Extraordinary, Pt. II, Sec. 3(i), dated 13th December, 1976.

4. Light Diesel Oil 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 stocks of Light Diesel Oil held by him from time to time and ready for delivery;
- (b) the declared price of Light Diesel Oil; and
- (c) the price at which he proposes to sell Light Diesel Oil.

5. Prohibition against withholding Light Diesel Oil from sale :-

No dealer having stock of Light Diesel Oil shall withhold it from sale.

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

Any officer authorized in this behalf by the State Government in relation to an area in a State may, with a view to securing compliance with this Order-

- (a) require the dealer to maintain and produce for inspection such books of account or other documents and records relating to his business and to furnish such information relating thereto, as he may specify;
- (b) prescribe the manner in which accounts of sale or purchase of or other transactions in Light Diesel Oil 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 an area in a State 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-

- (a) 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
- (b) search, seize and remove stocks of Light Diesel Oil and the

animals, vehicles, vessels or other conveyance used in carrying Light Diesel Oil 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. 568(E), dated the 29th November 1975, published in the Gazette of India, Extraordinary, Pt. II, Sec. 3(i), dated the 29th November, 1975.

2. Subs. by G.S.R. 568(E), dated the 29th November 1975.

8. Provisions of the Order to prevail over previous Orders of State Government :-

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

SCHEDULE 1

THE SCHEDULE

[See Cl. 2 and 3] Basic Ceiling Selling Prices of Light Diesel Oil in Bulk per Kilolitre ex-Main Port/Refinery:- Sl. Main Port/Refinery Light Diesel Oil No. Rs. 1. Bombay/Koyali/Maharashtra/Cochin/Madras/Visakhapatnam/Haldia/Digboi/Guwahati/Barauli/Bongaigaon 3817.46 2. Calcutta 3840.06 3. Kandia 3856.62 4. Okha - 5. Goa 3852.66]
