

**PARAFFIN WAX (SUPPLY, DISTRIBUTION AND PRICE
FIXATION) ORDER, 1972**

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**PARAFFIN WAX (SUPPLY, DISTRIBUTION AND PRICE
FIXATION) ORDER, 1972**

G.S.R. 71 (E), dated the 4th February, 1972. 1 -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 and commencement :-

(1) This Order may be called the Paraffin Wax (Supply, Distribution and Price Fixation) Order, 1972.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. Definitions :-

In this Order, unless the context otherwise requires,-

(a) "competent authority" means any person or authority authorized by the State Government by notification in the Official Gazette to exercise the powers and to perform the functions of the competent authority under this Order for such area as may be specified in the notification;

(b) "dealer" means any person carrying on directly or otherwise the business of sale or storage for purposes of sale of paraffin wax whether wholesale or retail, or whether in conjunction with any other business or not, and includes his representative or agent,¹[but does not include the distributing companies specified in Sch. B appended to this Order;]

(c) "declared price" means the price declared under Cl. 3;

²[(d) "paraffin wax" includes indigenous and imported paraffin wax and match wax];

(e) "producer" means a person carrying on the business of production of paraffin wax;

³ [(f) " scheduled price" means the price specified in Sch. A appended to this Order.]

1. Added by G.S.R. 595(E), dated 30th October 1979, published in the Gazette of India, Extraordinary , Pt. II, Sec.3(i), dated the 30th October, 1979.

2. Subs. by G.S.R. 595(E).

3. Ins. by G.S.R. 595(E).

3. Fixation of declared price of paraffin wax :-

(1) The State Government may, from time to time by notification in the Official Gazette, fix the declared price of paraffin wax either for the whole State or for different areas thereof and different prices may be fixed for different kinds of paraffin wax.

(2) While fixing the declared price of paraffin wax under sub-clause (1), the State Government shall have regard to the following factors, namely:

¹[(i) [scheduled price;]

²[(ii) transportation charges from the nearest ex-Distributing
³[companies] storage points, at Digboi, Calcutta, Madras, Cochin, Bombay and Mathura to the place of sale by the route most economical by rail and, with respect to places not connected by rail by rail-cum-road or by road, as the case may be;]

(iii) cartage, storage and other handling charges not covered by item (ii);

(iv) commission authorized by the distributing companies specified in the 7 ⁴ [Sch. B] appended to this Order;

(v) such other factors as the State Government considers necessary in the circumstances of the case.

1. Subs. by G.S.R. 595(E).

2. Subs. by G.S.R. 808 (E), dated 25th October, 1979.

3. Subs. by S.O. 86(E), dated 18th February, 1987.

4. Subs. by G.S.R. 595(E), dated the 30th October, 1979.

4. Paraffin wax not to be sold at a price in excess of the declared price :-

On and from such date as may be notified by the State Government in this behalf in the Official Gazette no dealer shall sell or cause to be sold paraffin wax to any person at a price in excess of the declared price.

5. Paraffin wax not to be sold except under an allotment order issued by the competent authority :-

¹[(1)] No dealer shall sell or cause to be sold paraffin wax to any person except in pursuance of an allotment order issued to such person by the competent authority of the area in which the dealer has his place of business nor shall the dealer sell or cause to be sold paraffin wax in excess of the quantity specified by the competent authority in the allotment order.

² [(2) While issuing or refusing to issue an allotment order under sub-clause (1), the competent authority shall have due regard to-

(a) the availability of paraffin wax and the demand for the same;

(b) the purpose for which paraffin wax is required;

(c) the requirements of the persons who are actual users of paraffin wax;

(d) the need for ensuring supplies to priority sectors such as defence purposes, Government requirements and export;

(e) the necessity to ensure availability of candles during important festival period or at other times depending upon local conditions;

(f) the past conduct of the person in the utilisation of paraffin wax allotted to him.]

1. Renumbered by G.S.R. 149(E), dated the 15th March, 1975.

2. Subs. by G.S.R. 149(E). . '

6. Persons in possession of paraffin wax to make declarations :-

(1) Every person possessing paraffin wax in any quantity whatsoever except in the capacity of a dealer or a producer or in consequence of an allotment order issued by the competent authority or as a bona fide transporter transporting paraffin wax on behalf of any producer or dealer or allottee shall-

(i) in the case of a person possessing paraffin wax immediately before the commencement of this Order, within fifteen days of such commencement; and

(ii) in the case of any other person, within fifteen days of the coming into possession of the paraffin wax; make a declaration in Form A appended to this Order to the competent authority of the fact of possession of such paraffin wax.

(2) No person possessing paraffin wax except in any of the capacities referred to in sub-clause (1) shall dispose of such paraffin wax, whether by way of sale or otherwise except under and in accordance with a permit issued in this behalf by the competent authority.

7. Dealers of paraffin wax to be licensed :-

No person shall carry on the business of a dealer except under and in accordance with the terms and conditions of a valid licence granted to him under this Order.

8. Application for grant of licence :-

(1) Any person desiring to carry on the business of a dealer may make an application in duplicate for the grant of a licence to the competent authority in Form B appended to this Order together with a fee of rupees

(2) The competent authority may, after making such inquiry as it deems fit, either grant or refuse to grant the licence.

(3) Where the competent authority refuses to grant a licence, it shall record the reasons for so doing and a copy of the reasons so recorded shall be communicated to the applicant.

(4) Every licence granted under this Order shall be in Form C appended to this Order.

(5) Every licence granted under this Order shall be valid for a period of three years commencing from the date of grant of the licence and may be renewed for a like period on an application therefor being made.

(6) Every applicant for renewal of a licence shall be accompanied by the licence which is sought to be renewed together with a renewal fee of rupees twenty-five and it shall be made not less than thirty days before the date of expiry of the licence which is sought to be renewed.

9. Cancellation of licences :-

The competent authority may without prejudice to any other action that may be taken against a dealer under Essential Commodities Act, 1955 by order in writing cancel a licence for breach of any of the terms and conditions of the licence or for contravention of any of the provisions of this Order and a copy of the order shall be communicated to the dealer: Provided that no licence shall be cancelled under this clause unless the dealer has been given a reasonable opportunity of being heard in the matter.

10. Appeal :-

Any person aggrieved by an order made by the competent authority ¹ [under Cl. 5 or under Cl. 8 or under Cl. 9] may, within thirty days of the receipt of a copy of the order by him prefer an appeal to the State Government and the State Government may after giving the applicant an opportunity of being heard, confirm, reverse or modify such order.

1. Subs: by G.S.R. 149(E), dated the 15th March, 1975.

11. Power of Central Government to issue directions regarding production etc. of paraffin wax :-

The Central Government may, from time to time by general or special order, issue to any producer such directions as it considers

necessary regarding the production, maintenance of stocks, storage, ¹ [sale, price grading ,] packing, weighment, disposal, delivery or distribution of any kind of paraffin wax and upon the issue of such directions such producer shall be bound to comply therewith.

1. Subs. by G.S.R. 595 (E), dated 30th October, 1979, published in the Gazette of India, Extraordinary, Pt. II, Sec. 3 (i), dated the 30th October, 1979.

12. 12 :-

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13. Submission of returns to competent authority :-

(1) Every dealer shall submit to the competent authority a fortnightly report regarding the stocks of paraffin wax received, sales of paraffin wax effected and the names and addresses of persons to whom such sales were effected.

(2) The return for the first fortnight shall be submitted on the twentieth of the month to which the fortnight relates and the return for the second fortnight shall be submitted before the fifth of the month immediately succeeding the month to which the fortnight relates

14. Display of certain particulars :-

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

(a) the varieties of paraffin wax held by him from time to time in stock for ready delivery and the quantities thereof;

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

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

15. Dealers not to refuse to sell paraffin wax in pursuance of an allotment order from the competent authority :-

No dealer shall refuse to sell any paraffin wax which he is required to sell in pursuance of an allotment order issued by the competent authority.

16. Persons purchasing paraffin wax to utilize the paraffin wax for the purpose for which it was purchased :-

No person purchasing paraffin wax in pursuance of an allotment order issued by the competent authority shall utilize such paraffin wax other than for the purpose for which such paraffin wax was directed to be sold and every such person shall submit a report to the competent authority regarding the utilization of the paraffin wax purchased by him, within such period as may be directed by the competent authority.

17. Power of entry, search and seizure :-

(1) Any officer ¹ [not being an officer below the rank of an inspector of industries or of a rank equivalent thereto] authorized by the State Government by a general or special order in this behalf may with a view to securing compliance with the provisions of this Order or to satisfying himself that the provisions of this Order have 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 any of the provisions of this Order, and (ii) search, seize and remove stocks of paraffin wax and the animals, vehicles, vessels or the conveyances used in carrying the paraffin wax in contravention of any 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 or other conveyance so seized in a court and for their safe custody pending such production.

(2) The provisions of Secs. 102 and S.103 of the Code of Criminal Procedure, 1898 [now 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 S.O. 794(E), dated 15th December, 1990.

SCHEDULE A

The Schedule

{See Cl.2(f)] Kinds of Paraffin I.S.I. Specification Rupee per metric tonne ex- Number Wax the Distributing Companies Storage points at Digboi, Haldia, Guwahati, Bongai- gaon, Vizag, Koyali, Barauni, Madras, Cochin, Bombay and Mathura (i) P.I. Grade IS-4654-1974/Type1 14625.52 (ii) First Quality IS-4654-1974/Type2 14501.55 (iii) Match Quality IS-4654- 1974/Type3 11251.04
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SCHEDULE B

NAME OF DISTRIBUTING COMPANIES.