

**DELHI BRICKS (MOVEMENT, PRICE, LICENSING AND DISTRIBUTION) CONTROL ORDER, 1975**

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**SCHEDULE 1 :-Delhi Bricks (Movement, Price, Licensing and Distribution) Control Order, 1975**

**DELHI BRICKS (MOVEMENT, PRICE, LICENSING AND DISTRIBUTION) CONTROL ORDER, 1975**

Whereas the Lt. Governor is of the opinion that it is necessary and expedient for securing the equitable and proper distribution as also availability of bricks at reasonable prices; Now, therefore in exercise of the powers conferred by section 3 of the East Punjab Control of Bricks Supplies Act, 1949 (East Punjab Act No. 1 of 1949), as extended to the Union territory of Delhi and all other powers enabling him, in this behalf the Lt. Governor, hereby makes the following order namely

**1. Short title, extent and commencement :-**

(1) This Order may be called the Delhi Bricks (Movement, Price, Licensing and Distribution) Control Order, 1975.

(2) It shall extend to the whole of the Union territory of Delhi.

(3) It shall come into force at once.

## **2. Definitions :-**

In this Order unless the context otherwise required

(a) "brick year" means the period from the 1st Oct. of a calendar year to the 30th September, of the following calendar year.

(b) "Commissioner" means the Commissioner of Food and Supplies, Delhi;

(c) "Consumer" means a person who acquires bricks for purposes of construction and/or repairs and not for sale;

(d) "Export" means to take or cause to be taken out of the Union territory of Delhi.

(e) "form" means a form appended to this Order;

(f) "Licensing Authority" means the Deputy Commissioner, Food and Supplies, Assistant Commissioner, Food and Supplies and includes any other officer authorized by the Commissioner to perform all or any of the functions of the Licensing Authority under this Order;

(g) "manufacturer" means a person engaged in the production or manufacture of bricks on a kiln and includes his servant, representative or agent;

(h) "Schedule" means a Schedule appended to this Order.

## **3. Special powers of Commissioner :-**

In addition to the powers and the functions specifically assigned under this Order, the Commissioner shall have the authority to exercise the, powers and to perform all or any of the functions of the Licensing Authority.

## **4. Restrictions on Export :-**

No person shall export or attempt to export or abet any person to export of bricks except under and in accordance with a permit issued by the Licensing Authority or any officer authorized in this behalf, by the Commissioner.

## **5. Price Control :-**

(1) No manufacturer shall sell or attempt to sell or offer for sale

bricks at a price in excess of the price notified by the Lt. Governor from time to time which shall be exclusive of all taxes and shall be fixed keeping in view the following factors, namely:

- (i) cost of clay.
- (ii) rent for land under the kiln and labourers huts,
- (iii) cost of sand,
- (iv) expenditure on water,
- (v) expenditure on moulding of bricks,
- (vi) loading and unloading charges,
- (vii) cost of coal,
- (viii) cost of steel for chimneys,
- (ix) burning charges and initial expenses,
- (x) establishment, huts, office, stores, moulds, construction of kiln; maintenance of approach roads and other misc, expenses,
- (xi) natural damages to bricks,
- (xii) interest on investment,
- (xiii) profit of the manufacturer.

(2) The Lt. Governor, may, by order notified in the Official Gazette, fix the prices at which bricks may be bought or sold by dealers to consumers and then no dealer shall sell or attempt to sell or offer for sale bricks to any person at a price in excess of the price so fixed.

#### **6. Specification of bricks :-**

No manufacturer shall manufacture or sell or attempt to sell or offer for sale bricks which are not in conformity with the specification notified by the Indian Standards Institution vide IS 1077-1970 as revised from time to time:

Provided that during the transitional period starting from the commencement of the brick burning season of 1975-76 a manufacturer may continue to manufacture bricks of the sizes and specifications as given in the Schedule appended to this Order to the extent as may be determined by the Commissioner. Explanation. The decision of the Commissioner as, to which class a

particular stock of bricks belongs shall be final.

## **7. Licensing of Manufacturers :-**

(1) No person shall manufacture, attempt to manufacture or store for sale or distribution or offer for sale or sell any bricks unless he holds a valid licence issued under this Order by the Licensing Authority.

(2) Every licence issued under this Order shall be subject to the terms and conditions specified therein and a contravention of any such term and condition shall be deemed to be a contravention of this Order.

(3) Every person doing business as a manufacturer, on the commencement of this Order, shall apply for the licence within 30 days of such commencement, and in case the date for the submission of applications, in this behalf, is extended by the Commis- sioner, by such extended date.

## **8. Issue/Renewal of licence :-**

(1) An application for a licence or renewal thereof shall be made to the Licensing Authority in Form A.

(2) An application for renewal of a licence shall be made so as to reach the Licensing Authority not less than thirty days before the date on which the licence expires:

Provided that the Licensing Authority may entertain an application for the renewal of licence after the prescribed date upto one year, if it is satisfied, that the applicant was prevented by sufficient cause from filing the application in time. In case an application for renewal of licence is entertained by the Licensing Authority under this proviso after the prescribed date for doing so, a late fee in addition to the prescribed renewal fee, shall be payable by the applicant as specified below:

(i) If the delay does not exceed one month Rs. 25

(ii) If the delay does not exceed three months Rs. 50

(iii) In other cases. Rs. 100

Provided further that the renewal of the licence with late fee as specified above shall be without prejudice to the action that may be taken against the applicant under the law for functioning without a

valid licence.

(3) Every licence issued or renewed under this Order shall be in Form B and shall be valid only for the premises/kiln specified therein.

(4) On receipt of an application for issue or renewal of a licence, the Licensing Authority may after making such enquiries as it may deem fit, issue or refuse to issue, renew or refuse to renew a licence having due regard to:

(a) the provisions of the Delhi Restriction of Uses of Land Act, 1941 and the Rules framed thereunder;

(b) the demand for bricks in the Union territory of Delhi;

(c) the availability of coal for supply to the manufacturers of bricks;

(d) the suitability of the location of the kiln with regard to the health of the inhabitants of the area or to the crops, gardens or nurseries in close proximity thereto;

(e) any other relevant factor.

(5) Whereas the Licensing Authority refuses to issue or renew a licence it shall record the reasons therefor and communicate the same to the applicant.

**9. Period of licence and fee chargeable :-**

(1) Every licence granted under this Order shall be valid upto 30th day of September following the date of issue and may be renewed for a further period of one year or two years at a time according to the request of the applicant: Provided that a licence issued under this Order shall cease to be effective upon non-renewal or cancellation of the licence held by the licensee under the Delhi Restriction of Uses of Land Act, 1941.

(2) The fee payable for the issue/renewal of a licence shall be as under:

	<b>Kiln of standard size</b>	<b>Kiln of more than standard size</b>
For issue of Licence	Rs. 200	Rs. 300
For renewal of Licence	Rs. 100 R A.	Rs. 200P.A.
For issue of a duplicate Licence	Rs. 20	Rs. 40

## **10. Deposit of security :-**

(1) Every manufacturer, who applies for the issue of a licence shall, before a licence is issued to him, deposit with Licensing Authority, a security of the value of Rs. 2000 in such form as the Licensing Authority may direct, for the due performance of the provisions of this Order and the conditions subject to which the licence is granted to him,

(2) The licensee shall, if the amount of security at any time falls short of the amount specified in sub-clause (1) forthwith deposit further security to make up that amount on being required by the Licensing Authority to do so. When any amount of security is forfeited under the provisions of this Order, the amount equal to the security so forfeited shall be deposited by the licensee within thirty days from the date of receipt of the order by him.

(3) The amount(s) due from the licensee under the provisions of this order shall be recoverable as arrears of land revenue.

(4) Upon due compliance by the licensee with all obligations under this order, the amount of security or such part thereof as is not forfeited, under the provisions of this order, shall be returned to the licensee, after the termination or cancellation of the licence.

## **11. Cancellation of licence and forfeiture of security deposit :-**

Without prejudice to any other action that may be taken according to law, if the Licensing Authority is satisfied that the licence has contravened any provisions of this Order or any term or condition of the licence issued there under, suspension or cancellation of his licence and/or forfeiture of his security deposit is called for, it may, after giving the licensee an opportunity of stating his case <sup>1</sup> [and of being heard] against the proposed suspension/cancellation of licence and/or forfeiture of security deposit, by order suspend or cancel the licence and/or forfeit the whole or a part of the security deposited by the licensee and shall forward a copy of the order to the licensee.

1. Ins. vide knlhi Gazette (Extra) Pan IV Dated 1.2.1980.

## **12. Appeal :-**

(1) Any person aggrieved by the order of the licensing authority refusing to grant or renew a licence, suspending or cancelling his licence or forfeiting his security deposit, may prefer an appeal in writing before the Commissioner within a period of thirty days

Provided that the Commissioner may entertain the appeal after the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time:

Provided further that no appeal against an order forfeiting the security deposit shall be entertained unless the licensee has deposited the forfeited amount of security before filing the appeal.

(2) Every appeal filed under sub-clause (1) shall be in the form of a memorandum signed by the appellant and shall be accompanied by an attested copy of the order appealed against.

(3) If the Commissioner admits the appeal, he shall fix a date for hearing of which notice shall be sent to the appellant as also the Licensing Authority. Pending disposal of the appeal the Commissioner may pass such interim order as he may deem fit

(4) If the Commissioner, may, after giving the parties concerned an opportunity of being heard, confirm, vary or set aside the order appealed or pass such other order as he may deem fit.

(5) The Commissioner may, upon application or of his own motion, revise any order passed by the Licensing Authority or review his own order or that of his predecessor:

Provided that no order which is likely to affect any person adversely shall be passed unless such a person has been given an opportunity of being heard.

(6) Any person aggrieved by an order of the Commissioner passed by him suo- motu may prefer an appeal in writing before the Financial Commissioner, Delhi and then the procedure laid down in regard to the filing and disposal of appeal before the Commissioner under sub-clauses (1) to (5) shall mutatis-mutandis apply to the appeal preferred before the Financial Commissioner, Delhi.

(7) The Administrator may, suo motu or on a representation made to him, call for and examine the record of any proceeding before the Commissioner or any officer subordinate to the Commissioner for the purpose of satisfying himself as to the correctness, legality or propriety of any finding or order recorded or passed by any of

them, and to pass thereon such orders as he thinks fit.]

**13. Power to issue directions :-**

Every manufacturer or dealer shall comply with the directions that may be given to him from time to time by the Licensing Authority or any other officer authorized by the Commissioner in writing in this behalf, with regard to manufacture, acquisition, storage, transportation, disposal, distribution or sale of bricks and the form and manner in which accounts thereof shall be maintained and returns submitted:

Provided that all directions and instructions issued under the Delhi Bricks (Distribution, Sale, Movement and Price) Control Order, 1963 and in force on the date of commencement of this order shall be deemed to have been issued under this Order and shall continue to be in force until superseded by directions issued under this Order.

**14. Sale of bricks on permits :-**

(1) With a view to regulating the distribution of bricks, the Commissioner may by order in writing specify the quantity and quality of bricks that may be sold by the manufacturers on the basis of permits issued by an officer authorized by him in this behalf (hereinafter referred to as "the authorized officer" and then every manufacturer shall comply with such an order.

(2) When the distribution of any class or classes of bricks has been regulated by the Commissioner in pursuance of sub-clause (1), permits for bricks shall be issued by the authorized officer in accordance with such orders or directions that may be given to him by the Commissioner in this behalf, from time to time.

(3) Every application for the issue of a permit for bricks shall be in Form C.

(4) Every permit to be issued by the authorized officer shall be in Form D and shall be subject to the conditions specified therein.

(5) Any permit for obtaining bricks issued under this Order shall be non-transferable and the bricks obtained thereunder shall be utilized only for the purpose for which the application had been made.

(6) No person shall give any false or incorrect information for obtaining a permit under the provisions of this Order.



## **15. Maintenance of accounts :-**

(1) Every manufacturer shall maintain a daily stock register in Form E showing correctly the receipts and sales of each variety of bricks separately and shall keep it up to date.

(2) Every manufacturer shall submit to the Licensing Authority a true monthly stock and sale return in Form F of each class of bricks manufactured/sold by him during the month of which it relates so as to reach him by the 5th day of the following month.

(3) Every manufacturer shall maintain a record in Form G of the daily delivery of bricks and shall keep it upto date for inspection as and when required.

## **16. Powers of entry, search, seizure etc. :-**

(1) The Commissioner or the Licensing Authority or any Magistrate or any Police Officer not below the rank of sub-inspector or any officer of the Food and Supplies Department, Delhi Administration not below the rank of Inspector or any other officer authorized by the Commissioner, may, with such assistance if any, as he thinks fit,

(a) require the owner, occupier or any other person in charge of any place, premises or vehicle in respect of which he has reason to believe that any contravention of the provisions of this Order or of the conditions of any licence or permit issued thereunder has been or is being committed or is about to be committed, to produce books of account or other documents showing transactions relating to bricks and to give such information as may be demanded from him;

(b) enter, inspect or break open and search any place, premises or vehicles in which he has reason to believe that any contravention of the provisions of this under or of any conditions of any licence or permit issued thereunder has been, is being or is about to be committed;

(c) seize any documents or books or take or cause to be taken extracts from or copies of any documents or books showing transactions relating to bricks;

(d) search, seize and remove stock of bricks and the vehicles or other conveyances used in carrying the said bricks in contravention of the provisions of this Order or of the conditions of any licence or

permit issued thereunder and thereafter take or authorize the taking or all measures necessary for securing the production of such stocks of bricks and the vehicles or other conveyance so seized in a court of law and for their safe custody pending such production.

(2) The provisions of section 100 of the Code of Criminal Procedure, 1973 (II of 1974) relating to searches and seizures shall so far as may be, apply to the searches and seizures made under this clause.

**17. Exemptions :-**

The Commissioner may, by the prior approval of the Administration by order notified in the Official Gazette exempt any particular bricks or any person or class of persons from the operation of all or any of the provisions of this Order, subject to such conditions, if any, as he may deem fit to impose and may at any time in the like manner suspend or rescind such exemption.

**18. Repeal and Savings :-**

The Delhi Bricks (Distribution, Sale, Movement and Price) Control Order, 1963 is hereby repealed:

Provided that notwithstanding anything to the contrary contained in this Order, such repeal shall not affect the previous operation of the Delhi Bricks (Distribution, Sale, Movement and Price) Control Order, 1963 or anything done or suffered thereunder or any right, privilege, obligation or liability acquired, accrued or incurred under the said order or any penalty, or punishment imposed in respect of any offence committed under the said Order; any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty or punishment as aforesaid and any such investigation, legal proceeding or remedy may be instituted continued or enforced and any such penalty or punishment may be imposed as if the said order had not been repealed.

**SCHEDULE 1**

Delhi Bricks (Movement, Price, Licensing and Distribution) Control Order, 1975