

(TO BE PUBLISHED IN PART IV OF DELHI GAZETTE EXTRAORDINARY)
 DELHI ADMINISTRATION: DELHI
 NOTIFICATION

Dated the 19th Feb., 1963.

No.F.17(3)/62-F&CS:- In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Order of the Government of India in the Ministry of Food and Agriculture (Department of Food, G.S.R. No.888, dated the 28th June, 1961 and with the prior concurrence of the Central Government, the Administrator of the Union Territory of Delhi is pleased to make the following Order, namely:-

1. SHORT TITLE EXTENT AND COMMENCEMENT:- (1) This Order may be called the Delhi Sugar Dealers Licensing Order, 1963,
 (2) It extends to the whole of the Union Territory of Delhi.
 (3) It shall come into force with effect from the 1st March, 1963.

2. DEFINITIONS: In this Order, unless the context otherwise requires:-

(a) 'Administrator' means the Administrator of the Union territory of Delhi.

Substituted complete sub clause No. 27(1)/71(2) F&S(P) dt. 19.3.72. (2) (b) (1) 'Dealer for controlled sugar' means a person engaged in the business of purchase, sale, or storage for sale of "Controlled" Sugar in quantities exceeding 10 quintals at a time.

Amended vide No. F.5(2)/33-F&S (P&C) dt. 7.10.83 (2) 'Dealer for free sale sugar' means a person engaged in the business of purchase, sale or storage for sale of "free sale" Sugar in quantities exceeding 25 quintals at a time but does not include:-

- (i) The Food Corporation of India.
 (ii) The Army purchase Organisation of Deptt. of Food, Ministry of Agriculture if engaged in this business on Government account including those for defence requirements.
 (iii) Defence Authorities,
 (iv) Delhi State Civil Supplies Corporation, Delhi.

* 'Commissioner' means the Commissioner of Food Supplies and Consumer Affairs, Delhi and includes the Deputy Commissioner of Food and Supplies, Asstt. Commissioner of Food and Supplies, Food and Supplies Officer, Civil Supplies Officer and any officer authorised by the Lt. Governor, Delhi to perform all or any of the functions of the Commissioner under this Order.

* Amended vide order No. F.3(10,85-F&S(P&C) dated 4.4.1986.

Note: (1) Initial sub-clauses (b), (ee) and (ff) of clause 2 relating to 'dealer', 'retailer' and 'wholesaler' has been substituted by sub-clause (b)(1) and (b)(2) vide Order No.17(3)/62-67/DCS(P) dt.17/18.4.71. The said sub-clause (b)(1) and (b)(2) have further been substituted on 19.3.72 and 7.10.83 respectively, as above.
 (2) Initial sub-clauses (ee) & (ff) shall be omitted.

contd, 2/2

(d) 'Form' means a form set forth in the Schedule to this Order

(e) 'Licence' means a licence issued under this Order, and

(f) (1) 'Sugar' means Sugar defined in the Essential Commodities Act, 1955 (10 of 1955).

Substituted vide order No. F.25(5)/81-F&S (P&C) dt.23.9.81.

(ii) 'Controlled Sugar' means the sugar made available at fixed price to the Central Government by Sugar factories for sale through regulated channels.

(iii) 'Free Sale Sugar' means the sugar other than controlled sugar.

3.

LICENSING OF DEALER: (1) No person shall carry on business as a dealer except under and in accordance with the terms and conditions of a licence issued in this behalf by the Commissioner.

Provided that the Administrator or any officer authorised by him in writing in this behalf may, for reasons to be recorded in writing, exempt any class of dealers from the provisions of this order.

(2) A separate licence shall be necessary for each place of business.

Amended vide No. F.17(3)/62-67-DCS(P) dt.22.11.67.

(3) for the purposes of this clause, any person who stores sugar (except sugar purchased against valid ration document) in any quantity, at anyone time shall, unless the contrary is proved, be deemed to store the sugar for the purpose of sale.

Vide No. 27(1)/71-F&S (P&C) dt.18.3.72.

(4) No person carrying on business in controlled sugar shall carry on business in free sale sugar.

Substituted vide order No. F.5(1)/82 F&S (P&C)/636 28.5.1977. 29-11-79 4.

(5) No dealer of free sale sugar shall, at any time, store more than 1000 quintals of sugar and 500 quintals of khandsari, and no other person shall store hold-more than 25 quintals of sugar at any time for any purpose, unless permitted by the Commissioner or any other Officer authorised by him so to do.

ISSUE OF LICENCE

(1) Every application for a licence in respect of controlled sugar or renewal thereof shall be made to the Commissioner in Form 'A'.

(2) Every licence in respect of controlled sugar issued or renewed under this order shall in Form 'B' and shall be subject to the conditions specified there in or such restrictions as may from time to time be imposed by the Administrator or by any officer authorised by him in writing in this behalf.

Note: 'Sugar' as defined in the E.C. Act 1955 (10 of 1955) -

'Sugar' means-

(1) any form of sugar containing more than ninety per cent of sucrose, including sugar candy;

(2) khandsari sugar or bura sugar or crushed sugar or any sugar in crystalline or powdered form; or

(3) sugar in process in vacuum pan sugar factory or raw sugar produced therein.

(3) Every application for a licence in respect of free sale sugar or renewal thereof shall be made to the Commissioner in Form 'D'.

Substi- (4) Every licence in respect of free sale sugar issued or tuted vide renewed under this Order shall be in Form 'E' and it Order No. shall be subject to the conditions specified therein and F.17(3)/ such other restrictions as may, from time to time, be 62-67/DCS imposed by the Administrator or by any officer authorised (P)dated by him in this behalf. 19-4-71.

PERIOD OF LICENCE AND FEE CHARGEABLE:

Substi- (1) Every licence shall be valid from the date of issue to tuted the 31st December following and may thereafter be renewed videNo. for a further period of one year at a time. F.17(3)/

62-63 DCS (2) Fee specified below shall be chargeable in respect of (P)dt. said licence, namely :-

For issue of a licence for controlled sugar	Rs. 10/-
For issue of wholesale licence for free sale sugar	Rs. 10/-
For issue of Retail licence for free sale sugar	Rs. 5/-
For renewal of a licence for controlled sugar	Rs. 5/-
For renewal of wholesale licence for free sale sugar	Rs. 5/-
For renewal of retail licence for free sale sugar	Rs. 2/-
For issue of any duplicate licence	Rs. 10/-

6. POWER TO REFUSE LICENCE:- The Commissioner, may after giving dealer concerned an opportunity of stating his case in writing and for reasons to be recorded in writing refuse to grant or renew a licence.

DEPOSIT OF SECURITY:-

6A. Added (1) Every dealer who at the commencement of the Delhi Sugar vide No. Dealer Licensing (Amendment) Order, 1967, hold licence 17(3)/ in Form 'B' and every person applying subsequently for a 62-67/ licence either for controlled sugar or for wholesale DCS(P) licence of free sale sugar, shall deposit with the 20.11.67 Commissioner, within such time and in such manner, as he may specify and direct in this behalf, a security of the value of Rs. 1000/- for the due performance of the conditions subject to which the licence has been or is granted to him.

(2) Every person who applied for a retail licence for free sale sugar shall deposit with the Commissioner within such time and in such manner as he may specify and direct in this behalf, security of the value of Rs. 200/- for the due performance of the conditions subject to which the licence is granted to him.

7. Substi- No holder of licence of his agent or servant or any person tuted acting on his behalf shall contravene any of the terms or vide conditions of the licence and if any such holder or his agent or servant or any person acting on his behalf contra- Order No. vices any of the said terms or conditions, then without F.17(3)/ prejudice to any other action that may be taken against him, 62-63 DCS(P) his licence may be cancelled or suspended by order in writing dt. of the Commissioner. 22.11.63.

Amended Provided that no order shall be made under this clause unless vide No. the licensee has been given a reasonable opportunity of F.3(19)/ stating his case and of being heard against the proposed 78/F&S(P&C) cancellation or suspension. dt. 1.2.80.

7A. Notwithstanding anything contained in clause 8, where a licensee has been convicted by a court of law in respect of contravention of any order made under section 3 of the Essential Commodities Act, 1955 (10 of 1955), relating to Sugar-Gur or khandsari, the licensing authority may, by order, in writing, cancel his licence.

Added vide Order No. F.17(3)/62-65/F&S (P) dated 9-9-65. Substituted vide Order No. F.17(3)/62-66 R&CS dt. 15.7.66. Provided that, save where no appeal lies against such conviction no such order shall be made till after the expiry of the period fixed for filing the appeal or where an appeal is filed, till the conviction is upheld in appeal.

FORFEITURE OF SECURITY DEPOSIT:-

7B. (1) Without prejudice to the provisions of clause 7 of the Commissioner is satisfied that the licensee has contravened any of the conditions of the licence and that forfeiture of the security deposit is called for, he may, after giving the licensee a reasonable opportunity of stating his case and of being heard against the forfeiture, by order forfeit the whole or in part the security deposited by him and shall forward a copy of the order to the licensee.

(2) The licensee shall, if the amount of security at any time falls short of the amount specified in clause 6-A, and is being required by the Commissioner so to do, forthwith deposit further security to make up the deficiency.

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

8. APPEAL:- (1) Any person aggrieved by any order of the Commissioner refusing to issue, re-issue or renew a licence or cancelling or suspending a licence under the provisions of this order may appeal to such officer or authority as the Administrator may appoint in this behalf within 30 days of the date of the receipt by him of such order.

(2) No order shall be made under this clause unless the aggrieved person has been given reasonable opportunity of stating his case.

(3) Pending the disposal of any appeal the Officer or Authority appointed under sub-clause (1) may direct that the order refusing to renew a licence or the order cancelling shall not take effect until the appeal is disposed of.

(4) The Administrator may, suo-moto or on a representation made to him call for and examine, the record of any proceedings before any officer appointed under sub-clause (1) or any other officer subordinate to the Commissioner, Food and Supplies, Delhi 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.

Sub-clause (5) The Commissioner may, upon application either on behalf of the Food and Supplies Department or the aggrieved person or of his own motion revise any order passed by the authorised officer or review his own Order or that of his predecessor.

Added vide Order No. F.5(1)/78-F&S(P&C) dt. 24.1.79.

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.

Appointments of the officers specified in column 2 of the table given below to hear appeals against orders passed by the officers specified in the corresponding column 3 thereof:- (vide Order No. F.3(10)/81-F&S(P&C) dated 24.12.1981.)

Sl.No.	Appellate Officer	Officers whose orders is appealed against.
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1.	Financial Commissioner, Delhi Administration, Delhi.	Orders referred to in clause 8(1) and clause 8(5) of the aforesaid Licensing Order passed by the Commissioner, Food and Supplies, Delhi.
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2.	Commissioner, Food and Supplies, Delhi.	Orders referred to in clause 8(1) and 8(5) of the aforesaid Licensing Order passed by:-
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- (i) Deputy Commissioner, Food & Supplies, Delhi.
- (ii) Assistant Commissioner, Food & Supplies, Delhi.
- (iii) Civil Supplies Officer Delhi.

9. POWER TO ENTRY, SEARCH, SEIZURE ETC.:-

(1) The Commissioner or an any other officer authorised by him in this behalf 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, vehicle, or vessel in which he has reasons to believe that any contravention of the provisions of this order or of the conditions of any licence issued thereunder has been, is being, or is about to be committed to produce any books, accounts or other documents showing transactions relating to such contraventions;

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

(c) take or cause to be taken extracts from or copies of any documents showing transactions relating to such contraventions which are produced before him;

(ca) seize any books of accounts and documents which in his opinion may be useful for, or relevant to any proceedings under this Order.

(d) search, seize and remove stocks of sugar and the animals, vehicles, vessels or other conveyances used in carrying the said sugar in contravention of the provisions of this

Sub-clause added vide order No. F.5(1)/78-F&S(P&C) dt. 25.4.78

order, or of the conditions of the licences issued thereunder and thereafter take or authorise that taking of all measures necessary for securing the production of stocks of sugar and the animals, vehicles, vessels or other conveyance so seized in court and for their safe custody pending such production.

- (2) The provisions of sections 102 and 103 of the Code of Criminals Procedure, 1898, relating to search and seizure shall so far as may be, applied to searches and seizures under this clause.

vide Notification No.F.17(3)/62-67-DCS(P) (ii) dt.29.8.1968.

Note: Powers have been delegated by the Commissioner, Food & Supplies, Delhi, under clause 9 of the Delhi Sugar Dealers Licensing Order, 1963 regarding entry, search, seizure etc., to the following Officers:-

1. All Additional District Magisterates, Delhi.
2. All Sub Divisional Magisterates, Delhi.
3. All stipendiary Magisterates, Delhi.
4. All Food and Supplies Officers, Delhi.
5. All Civil supplies Officers, Delhi.
6. Chief Inspector of Food and Supplies, Delhi.
7. All Inspectors, Food & Supplies, Delhi.
8. All Police Officers not below the rank of S.I., Delhi.

10. SAVING:- Nothing in this Order shall apply to:-

- (1) the sale or storage for sale or purchase of sugar on Government account; and
- (ii) the sale by banks of stocks of sugar hypothecated to them provided that the sugar is sold in accordance with dated 22.11.63. the terms and conditions applicable to the hypothecators.

11. SPECIAL POWERS OF COMMISSIONER:-

(Added vide No. F.27(1)/71.F&S(P) dt.18.3.72. In addition to the powers and the functions specifically assigned to him under the said order, the Commissioner shall exercise the powers and perform all or any of the functions of the licensing authority under the said Order.

By order,

Sd/-

(D.S. MISHRA)
ASSISTANT DIRECTOR, CIVIL SUPPLIES,
DELHI ADMINISTRATION: DELHI.

FORM 'A'

THE DELHI SUGAR DEALERS LICENSING ORDER, 1963.

Application for licence.
(For Controlled Sugar)

1. Applicant's Name:
2. Applicant's profession:
3. Applicant's residence:
4. Situation of applicant's place or places of business with particulars, as the number of house, mohilla, town or village, police station.
5. How long the applicant has been trading the sugar.
6. Did the applicant hold a sugar licence on any previous occasion? (if so give particulars including its suspension or cancellation, if any).
7. Quantities of sugar handled annually during the last years (November-October).
8. Income-tax paid in the two years preceding the year of application (to be indicated separately).

1. _____
2. _____

9. Quantity of sugar in the possession of the applicant on the date of application and the places at which the different quantities are kept.

I declare that the quantities of sugar specified above are in my possession this day and are held at the places noted against them.

I have carefully read the conditions of the licence given in Form 'B' appended to the Delhi Sugar Dealer's Licensing Order, 1963, and I agree to abide by them.

*(a) I have not previously applied for a licence in the Union Territory of Delhi under this Order;

*(b) I applied for such licence in the Union Territory of Delhi for _____ on _____ and was not granted licence on _____.

*(c) I hereby apply for renewal of licence No. _____ dated _____ issued to me on _____.

Strike off the Clause not applicable.

SIGNATURE OF THE APPLICANT.

FORM 'B'

THE DELHI SUGAR DEALERS LICENSING ORDER, 1963.

LICENSE FOR PURCHASE, SALE OR STORAGE FOR SALE OF CONTROLLED SUGAR.

Licence No. _____

1. Subject to the provisions of the Delhi Sugar Dealers Licensing Order, 1963, and to the terms and conditions of this licence _____ is/are hereby authorised to purchase, sell or store sugar for sale.
2. The licensee shall carry on the aforesaid business at the following place.
3. (i) The licensee shall maintain a register of daily accounts for sugar showing correctly:-
 - (a) The opening stock on each day.
 - (b) The quantities received on each day, showing the place from where and the source from which received.
 - (c) The quantities delivered or otherwise removed on each day showing the place of destination and
 - (d) the closing stock on each day.(ii) The licensee shall complete his accounts for each day on the day to which it relate, unless prevented by reasonable cause, the burden of proving which shall be upon him.
(iii) separate register shall be maintained for khandasari sugar.
4. The licensee shall submit to the Commissioner a true return in Form 'C' of the stocks, receipts and deliveries of each quality of sugar every month so as to reach him within five days after the close of the month.
5. The licensee shall not contravene the provisions of the Delhi Sugar Dealers Licensing Order, 1963 or any other order relating to food stuffs issued under the Essential Commodities Act, 1955 (10 of 1955).
6. The licensee shall not contravene the provisions of any law relating to food stuffs for the time being in force.
7. The licensee shall not :-
 - (i) enter into any transaction involving purchase, sale or storage for sale of sugar in speculative manner prejudicial to the maintenance and easy availability of supplies of sugar in the market.
 - (ii) withhold from sale supplies of sugar ordinarily kept for sales and

Substi- 4.
tuted
vide No.
17(8)/62-
67/CDS(P)
dt. 8.12.69.

contd....9/-

8. The licensee shall issue to every customer a correct receipt or invoice as the case may be giving his name address, his licence number, the name, address, the licence number (if any) of the customer, the date of transaction, the quantity sold, the price per quintal, and the total amount charged and shall keep a duplicate of the same to be available for inspection on demand by the Commissioner or the authorised officer authorised by him in this behalf.
9. The licensee shall give all facilities at all reasonable time to the Commissioner or any other officer authorised by him in this behalf for the inspection of his stocks and accounts at any shop, godown or other place used by him for the storage, sale or purchase of sugar and for the taking of samples of sugar for examination.
10. The licensee shall comply with any directions that may be given to him by the Administrator or the Commissioner in regard to purchase sale and storage for sale of sugar and in regard to the language in which the register, returns, receipts or invoices mentioned in paragraphs 3, 4, or 5 shall be written and the authentication and maintenance of the register mentioned in paragraph 3.
11. This licence shall be attached to any application for renewal.
12. This licence shall be valid upto _____

Place : _____

Date : _____

Signature and designation
of the Officer issuing
the licence.

(For the use by a dealer)
(See condition 4 of the Form B)

Return of Stocks receipts and sale of controlled/free sale
sugar for the month ending _____ 19.

Name: _____

No. of Licence: _____

Address: _____

Particulars of Godown where stock held and quantity in stock
in each quality of sugar in stock in bags/quintals.

Particulars of Godown	Quantity in stock bags/quintals	Remarks if any
1.		
2.		
3.		

1. Stock at the beginning of the month
 (a) actually with the licensee _____ Bags/quintals.
 (b) pledged with any person or institution such as a Bank
 or Cooperative Society _____ Bags/quintals.
 Total _____ Bags/quintals.

Quantity purchased during the month and source of supply

(i) _____
 (ii) _____
 (iii) _____
 (iv) _____
 Total _____

Quantity received out of quantity purchased

Source of supply	Quantity in bags/ quintals.	Date of purchase
(i)		
(ii)		
(iii)		
(iv)		
Total		

4. Quantity sold
 (a) quantity sold and delivered/removed during the month
 _____ bags/quintals.
 (b) quantity sold but not yet delivered.
 Total sold _____ bags/quintals.

5. Stocks at the end of the month
 (a) actually with the licensee.
 (i) unsold _____
 (ii) sold but awaiting delivery.
 (b) pledged with any other person or institution
 such as a bank or cooperative society.

Total.

To
The Commissioner,
Food and Supplies,
Delhi.

Place:

Date :

Signature.

FORM 'D'
(See Clause 4(3))

The Delhi Sugar Dealers Licensing Order, 1963.

titu-
vide
der No.
7(3)82/DCS(P)
dated 19th
April,
1971.

Application for free sale
Sugar Licence.

1. Name of the applicant
2. Name of the style of the firm.
3. If partnership firm names and address of all the partners.
4. Address of the applicant.
5. Present business
6. Situation of applicant's place or places of business with
house No./Mohalla/Street/Road or Town or village &
Police Station.
7. Particulars of licences for dealing in essential commodities
including sugar, if any held by the applicant.
- 7.A. Quantities of sugar handled during the last two
year (year wise).
8. Have you ever been convicted of any offence under the
Essential Commodities Act, 1955 if so give details thereof.
9. Have you or any of your partners been previously holding
any licence issued by the Civil Supplies Department, if so,
give full particulars thereof which was later on
cancelled.
10. Income tax paid in the two years. 1. _____
preceding the year of application 2. _____
(to be indicated separately)
11. Quantity of sugar in the possession of
applicant on the date of application and
place at which the same is stocked.

DECLARATION

I declare that the particulars given above are true to the
best of my knowledge and nothing has been concealed and.

- (a) I do not have any licence/quota for controlled sugar
- (b) There is no wholesaler/retailer of controlled sugar in the
premises for which this application for business in free sale
sugar is being made.
- (c) I have not previously applied for a licence under this order.
- (d) I applied for such licence for free sale/controlled sugar
on _____ and was/was not granted licence.
- (e) I hereby apply for renewal of licence No. _____
dated _____ issued to me on _____

* Strike off the portion not applicable.

Place _____

Date _____

Signature of the applicant

Contd...12.../-

Amended
vide

The Delhi Sugar Dealers Licensing Order, 1963.

Order Licence for purchase sale or storage for sale of Free Sale Sugar
No. F. Licence No. _____
17(3)/

62-67 dt. Subject to the Delhi Sugar Dealers Licensing Order, 1963 to
19.4.71 the terms and conditions for this licence is
hereby authorised to purchase sell or store free sale sugar
for sale.

2. The licensee shall carry on the aforesaid business at the following place:-

3. (1) The licensee shall maintain a register of daily accounts for sugar showing correctly:-

- (a) the opening stock on each day.
- (b) the quantities received on each day showing the place from where and the source from which received.
- (c) the quantities delivered or otherwise removed on each day showing the places of destination and
- (d) the closing stock on each day.

(ii) The licensee shall also maintain a sale register of daily sale showing correctly:-

- (a) Name and address of the customer.
- (b) His retail sugar licence
- (c) Quantity sold.
- (d) Price per quintal
- (e) Total amount charged;

(iii) The licensee shall complete his accounts for each day on the day to which they relate, unless prevented by reasonable cause the burden of proving which shall be upon him.

(iv) Separate register shall be maintained for Khandsari sugar.

The licensee shall submit to the Commissioner a true return in Form 'C' of the stocks receipts and deliveries of each qualities of sugar every month so as to reach him within five days after the close of the month. The licensee shall not sell or transfer sugar to any licensee without the prior permission of the Commissioner.

The licensee shall issue to every customer a correct receipt or invoice as the case may be giving him own name address, his licence number, the name, address, the licence number (if any) of the customer, the date of transaction, the quantity sold, the price per quintal and the total amount charged and shall keep a duplicate of the same to be available for inspection on demand by the Commissioner or the authorised officer authorised by him in this behalf.

7. The licensee shall give all facilities at all reasonable times to the Commissioner or any other officer authorised by him in this behalf for the inspection of his stocks and accounts at any shop godown or other place used by him for the storage, sale or purchase of sugar and for the taking samples of sugar for examination.

* 4.
Amended
vide ord-
er No. 17
F.173) 5.
62-67
dt. 19th
April 6.
1971

8. The licensee shall comply with any directions that may be given to him by the Administrator or the Commissioner in purchase, sale or storage for sale of sugar and in regard to language in which the register, returns, receipts or invoice mentioned in paragraphs 3, 4 or 6 shall be written and the authentication and maintenance of the register maintained in paragraph 3.
9. This licence shall be attached to any application for renewal
10. This licence shall be valid upto _____

Signature and Designation of
officer issuing the licence.

Place _____

Date _____