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Corrected upto 17.9.97

(TO BE PUBLISHED IN PART IV OF DELHI GAZETTE-EXTRAORDINARY)

DELHI ADMINISTRATION:DELHI.
(FOOD AND SUPPLY DEPARTMENT)

ORDER

Dated:12.01.1981.

No: G.23(2)/78-81-F&S(P&C):-whereas the Administrator is of the opinion that it is necessary and expedient so to do for maintaining supplies and for securing equitable distribution of so of the essential commodities in the Union Territory of Delhi.

Now, therefore, in exercise of the powers conferred by subsection (2) (d) of section 3 of the Essential Commodities-Act, 1955 (10 of 1955) read with the Government of India, Ministry of Agriculture and Irrigation (Department of Food) order GSR 800 dt. the 9th June, 1978 and Ministry of Industr and Civil supplies (Deptt. of civil supplies and cooperation) Order, S.O 681 (E) dated the 30th November, 1974, the Administration hereby makes the following order namely:-

Part-I Preliminary

(1) Short title and Commencement:-

- (1) This Order may be called the Delhi Specified Articles (Regulation of Distribution) Order, 1981.
- (2) It extends 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 requires:-

- (1) "Administrator" means the Administrator of the Union Territory of Delhi.
- (2) "Authorised wholesaler" means a wholesale dealer authorised under the provisions of clause 3 ~~in respect of any~~ specified articles.

EXPLANATION: On the commencement of this Order every authorised wholesale distributor who was appointed or authorised or deemed to have been appointed or authorised under the Delhi Specified Food Articles (Regulation of Distribution) Order, 1968 and whose appointment or authorisation was in force immediately before such commencement, shall be deemed to be an authorised wholesaler for the purpose of this Order until and unless, such appointment or authorisation is or is deemed to be ~~reseined~~ under this Order.

- 3) "Authorised document" means a consumer card or an authorisation for issued or deemed to have been made or issued under this Order for purchase, sale of distribution of any specified Articles.
- 4) "circle" means a circle referred to in clause 17.

(5) * "Commissioner" means the Commissioner of Food Supplies and Consumer Affairs, Delhi.

* Amended vide order NO: F.3(10)85-F&S/P&C dated 04.04.1986

(6) "Consumer card" means a house-holed consumer card, establishment permit, or other document issued or made under or in pursuance of the provisions of this Order for obtaining supplies of any specified article:

EXPLANATION:-

Any food card issued or made under or in pursuance of the provisions of the Delhi Specified Food Articles (Regulation of Distribution) Order, 1968, immediately before the commencement of this Order shall be deemed to be a "Consumer Card" issued or made under this Order.

(7) "Deputy Commissioner" means the Deputy Commissioner Food and Supplies, Delhi and the Assistant Commissioner Food and Supplies, Delhi and includes any other officer authorised by the Administrator to exercise all or any of the powers of the Deputy Commissioner under this Order;

(8) "Establishment" means an institution and also includes any other establishment that may be treated as such for purposes of this order by an order issued by the Commissioner;

(9) "Fair price shop holder" means a retail dealer authorised under the provisions of clause 3 in respect of any specified articles;

EXPLANATION:-

On the commencement of this order every fair price shop holder who was appointed or authorised or deemed to have been appointed or authorised as such under the Delhi Specified Food Articles (Regulation of Distribution) Order, 1968 or whose authorisation was in force immediately before such commencement shall be deemed to be a fair price shop holder for the purposes of this order unless such appointment or authorisation is or is deemed to be rescinded under this order.

(10) "Food and Supplies Officer" means the Food and Supplies Officer appointed as such by the Administrator and includes the Commissioner, the Deputy Commissioner, the Civil Supplies Officer and any other officer specially authorised by the Commissioner to exercise all or any of the powers of the Food and Supplies Officer under this order;

(11) "Forms" means a Form appended to this Order.

(12) "Household" means a family unit living together in one building or portion of the building held in possession any member of the family as common residence and maintaining a common kitchen and includes persons so living together whether or no dependent on the holder of the consumer card or the person in whose name the application for the issue of consumer card is made.

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- 3) "Institution" means a hospital, sanatorium, a convalescent home, an asylum, a school or a college and includes all other institutions of a like nature.
- (14) "Specified article" means an essential commodity which the Administrator may by notification in the official gazette declare to be a "specified article".
- (15) "Financial Commissioner" means the Financial Commissioner appointed for the Union Territory of Delhi.

* Added vide order NO: F.3(10)§1-F&S(P&C) dated 14.01.82.

3. Issue of authorisation to wholesalers and fair price shop holders:-

(1) With a view to controlling the distribution of any specified article, the Administrator or any officer authorised by him in writing in this behalf, may by order, authorised any person or body of persons to be an authorised wholesaler or a fair price shop holder in respect of such specified articles for purposes of this Order, and there upon such wholesaler or fair price shop holder as the case may be, shall obtain and supply specified articles in accordance with the provisions of this order or any directions issued thereunder;

Provided that the authorisation issued to the authorised wholesaler and fair price shop holder under the provisions of the Delhi Specified Food Articles (Regulation of Distribution) Order, 1968 and in force immediately before the commencement this Order shall be deemed to be an authorisation issued under this clause.

The Administrator of the Union territory of Delhi has authorised the following officers for the purpose of this clause:-

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| Inserted vide
Order NO.F.3(12)
84-F&S(P&C) dated
24.1.85. | (1) Commissioner, Food and Supplies and Consumer Affairs.
(2) Deputy Commissioner, Food Supplies and Consumer Affairs.
(3) Asstt. Commissioner, Food and supplies and Consumer Affairs. |
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EXPLANATION:- On the commencement of this Order, in the case of a dealer who is deemed to be an authorised wholesaler or fair price shop holder under ~~explanation to sub-clause (2)~~ and explanation to sub-clause (9) of clause 2 respectively, any sum which stands deposited by him as security immediately before such commencement shall be deemed to have been deposited as security under this sub-clause.

(3) In every authorisation issued under sub-clause (1) the specified articles shall be mentioned and the limits of the circle or part thereof and in case of industrial or other establishment the class or classes of persons to whom such supplies shall be made.

(4) Every application for an authorisation shall be made in Form A giving correctly the information asked for therein alongwith such other information or document as may be required and shall be accompanied by postal order of the value specified below as application fee which shall not be refundable.

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| (1) For fair price shop or fair price establishment shop | Rs. 5/- |
| (2) For authorised wholesaler | Rs. 10/- |

(5) Every authorisation issued under this clause shall be in Form- in the case of an authorised wholesaler and in Form-C in case of a fair price shop holder.

(6) Every application for the issue of an authorisation shall be considered having due regard to:-

- (1) the need for authorised wholesalers or fair price shops in the area or locality in which the business premises of the applicant are situated;
- (2) the suitability of the premises for proper storage and sale of specified articles;
- (3) the suitability of the applicant in view of his past record of dealings in essential commodities and other business, if any, being carried on by him or his near relations in the same premises or in the same area or locality or elsewhere in the Union Territory of Delhi.
- (4) the financial position and capacity of the applicant in performing the functions of an authorised wholesaler or a fair price shop holder as the case may be.
- (5) any other factor considered relevant to the grant of an authorisation under this order.

4. suspension/cancellation of authorisation :-

- (1) The Administrator or the Deputy Commissioner may at any time, whether at the request of the person to whom an authorisation has been issued or on his contravention or attempt to contravene any of the provisions of the said order or directions issued thereunder from time to time in this behalf or any term or condition of the authorisation or any directions issued there under after making such enquiry as may be deemed necessary without prejudice to any other action that may be taken against him to amend, suspend or rescind the authorisation issued under this order.
- (2) Without prejudice to any action that may be taken under sub-clause (1) in respect of any contravention of any of the provisions made by or under this Order, the Deputy Commissioner may forfeit the whole or part of the security deposited under sub-clause (2) thereupon the authorised wholesaler or the fair price shop holder whose security has been forfeited shall forthwith deposit an amount equivalent to the one forfeited shall forthwith deposit an amount equivalent to the forfeited so as to make up the deficiency in the amount of prescribed amount of security.

Provided that before passing any order under sub-clause(1) or sub-clause (2), the Deputy Commissioner shall give a reasonable opportunity of being heard to the party concerned.

Provided further that if the authorisation is under consideration for action and it is necessary to suspend it pending enquiry the provisions contained in the forgoing proviso shall not apply subject to the condition that the period of such suspension shall not exceed three months.

Provided further that a copy of every order made under sub-clause (1) or sub-clause (2) shall be supplied to the person concerned free of charge.

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Termination of authorisation:- (1) Notwithstanding anything contained in this clause the Deputy Commissioner may at any time terminate the authorisation by giving two months notice in writing to the person(s) to whom an authorisation has been issued under this order and then the authorisation shall cease to be effective upon expiry of the period of such notice.

amended
vide
order NO.
F.3(10)/
26-F&S/
(P&C) Dt.
1.10.85

(2) It shall also be open to the person holding an authorisation issued under this order to relinquish his authorisation by giving three month notice in writing to the Deputy Commissioner and then the authorisation shall cease to be effective upon receipt of intimation by him from the authorised officer of the termination of his authorisation.

Provided that the liability of the person holding the Authorisation shall not cease until the stocks of specified articles and records of consumer cards, etc. have been taken over from him.

(3) Notwithstanding anything contained in this Order, the Deputy Commissioner, may, if he is satisfied that it is necessary and expedient so to do cancel an authorisation suo-moto in the circumstances specified below:-

(a) If the number of fair price shops in a particular area or locality is more than the number of fair price shops required to ensure proper distribution of specified articles in that area or locality or

(b) If the person holding an authorisation is found to be functioning in unbusiness like manner or indulging in activities prejudicial to the maintenance of supplies and services essential to the community or

(c) If the person authorised to be a fair price shop holder is found to be running a chakki in which specified articles are consumed or processed or dealing in articles of the open market which are specified articles under this order in the same premises or elsewhere, or

(d) If the person holding an authorisation is found to have given false information knowing that the same was false in the application or any documents tendered for grant of authorisation under this order.

6.

Appeal (1) Any person aggrieved by the order of the Deputy Commissioner made under sub-clause (1) or sub-clause (2) of clause 4 may prefer an appeal in writing before the Commissioner within a period of thirty days from the date of receipt of the order by such person;

~~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 the person aggrieved by the order of the Deputy Commissioner made under sub-clause (2) of clause 4 shall deposit 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 appened against. It shall be presented in person or sent by registered post to the commissioner.

(3) The appeal shall be liable to be summarily rejected if the appellant fails to furnish an attested copy of the order appealed against or in case of an order under sub-clause (2).

(2) of clause 4 if he fails to deposit the amount equivalent to the forfeited amount of security before filling the appeals.

(4) If the commissioner admits the appeal, he shall fix a date for hearing of which notice shall be sent to the appellants as also to the Deputy Commissioner. Pending disposal of the appeal, the Commissioner may stay the operation of the order appealed from;

Provided that no stay order shall be granted in case of an order passed under sub-clause (2) of clause 4;

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

(6) 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 Deputy Commissioner or review his own order that of his predecessor.

Provided that the provisions relating to appeals contained in sub-clauses (1), (2), (3) and (4) shall mutatis mutandis apply to the applications for revision or review.

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

(7) Any person aggrieved by the order of the Commissioner passed by him suo-moto revising the order of the Deputy Commissioner under sub-clause (5) may prefer an appeal in writing before the Financial Commissioner, Delhi Administration, Delhi. The procedure laid down in regard to submission of appeal before the Commissioner under sub-clause (1) to (5) shall mutatis-mutandis apply to the appeals before the Financial Commissioner, Delhi Administration, under this sub-clause.

(8) Notwithstanding anything contained in this order, the Administrator may call for and examine suo-moto the record of any proceedings before the Financial Commissioner or the Commissioner or any Officer subordinate to him, for the purpose of satisfying himself as to the correctness, legality or propriety of any finding or order recorded or passed by the Financial Commissioner and Commissioner or any other officer subordinate to him, and to pass thereon such order as he thinks fit.

mender vide Order No. F. 4(7)/85-F&(P&C) dt. 2.3.87

7. cancellation of authorisation upon conviction :-

Notwithstanding any-thing contained in this clause where an authorised wholesaler or a fair price shop holder has been convicted by a court of law in respect of contravention of any of the provisions of this order or any other order made under section 3 of the Essential Commodities Act(10 of 1955) the Deputy Commissdner may be order, in writing cancel his authorisation forthwith.

Provided that where such conviction is set aside in appeal or revision the Deputy Commissioner may on application by the person whose authorisation has been cancelled re-issue the authorisation to such person.

PART-II DISTRIBUTION AND SUPPLY OF SPECIFIED ARTICLES.

8. supply by wholesaler :- No authorised wholesaler shall supply or offer or attempt to supply or cause to be supplied any specified articles to any person other than a person who is a fair price shop holder or against a permit issued under clause 10 and except at such prices as may from time to time to be specified by the Central Govt. or by the Administrator in this behalf and except under and in accordance with the provisions of this order.

Provided that restrictions contained herein shall not apply to distribution of specified articles by or on behalf of the food corporation of India or any other body corporate owned by government.

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9. Supply by Fair Price Shop Holders:- No fair price shop holder shall sell or agree to sell or supply or agree to supply or cause to sell or supply specified articles to any person except against the consumer cards registered with him or against special consumer cards issued by the Food and Supplies Officer and except at such prices as may be specified by the Central Government or by the Administrator in his behalf and except under and in accordance with the provisions made by or under this Order.

PART-III-Authorised Documents

10. Powers to issue authorised documents:- (1) with a view to regulating the distribution of any specified articles the Administrator may issue or cause to be issued authorised documents to any person or class of persons or to the public generally;

Provided that no such document shall be delivered to any person unless such person or any adult member of his family, whom the document is tendered on his behalf signs or affixes his mark or thumb impression in token of receipt of such document as required by the officer delivering such documents.

(2) A consumer card shall have as many coupons as may be specified by the Commission from time to time by issuing directions in this behalf.

(3) The Administrator may at any time whether at the request of the person to whom any authorised documents has been issued or suo-moto after making such enquiry as may be deemed necessary add to, amend, vary suspend or rescind the authorised document. Where any such document is so suspended or rescinded, any person in possession of it shall forthwith declare the same to the Administrator or an officer authorised by him in this behalf.

(4) Notwithstanding anything contained in sub-clause (3) the Administrator may at any time, when he considers necessary so to do for reasons to be recorded in writing by a general or special order amend, vary, suspend or, rescind any authorised document or any class of authorised documents. Where any authorised document is so suspended or rescinded, any person in possession thereof shall forthwith deliver the same to the Administrator or an officer authorised by him, in this behalf.

Inserted The Administrator of U. of Delhi has directed that the vide powers conferred on him under sub-clause (1), (3) & (4) of this shall also order be exercisable by each of the officers specified below:-

F.3(12)
84-F&S
(P&C)
dated
24.1.85.

1. Commissioner, Food Supplies & Consumer Affairs, Delhi.
2. Dy. Commissioner, Food and Supplies and Consumer Affairs.
3. Assistant Commissioner, Food Supplies and Consumer Affairs.
4. F.S.O.

11. Procedure for obtaining consumer cards (1):- Any person permanent by residing or intending so to do in the Union Territory of Delhi and who desired to have a house hold consumers card issued shall apply to the Food and Supplies Officer of the Circle concerned in which he resides or intends to reside, as the case may be furnishing true and correct information in such form as the Commission r may prescribe. The Food and Supplies Officer may before issuing a house hold consumer card, make or cause to be made such enquiry as he may deems fit for verification of information furnished by the applicant.

Provided that before a house-hold consumers card is issued coupons denoting the period or periods which has or have elapsed on the date of its issued shall be cancelled.

Provided further that the food cards issued under the Delhi specified Food Articles (Regulation & Distribution) Order, 1968 and in force immediately before the commencement of this Order shall be deemed to be consumer cards for the purpose of this order.

(2) A homeless person who has not fixed or identifiable place of dwelling shall be issued a house-hold consumers card which shall be stamped with the word "Homeless".

Amended vide order NO. F.3 (38) 77
 Provided that notwithstanding anything contained in sub-clause (1) the Food and supplies Officer shall issue house hold food cards to homeless persons for a period not exceeding six months at a time and may increase the period of validity upto one year in those cases where there is record of continuous issue/renewal of the card for the previous three years.

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 Provided further that in respect of persons who are new squatters and have encroached upon public lands the validity period of their cards shall not, notwithstanding anything to the contrary mentioned in this order, be extended for a period exceeding three months at a time.

(3) No person shall obtain or attempt to obtain a house-hold consumers card by furnishing information which he knows or has reason to believe to be false or if he is already in possession of such card or some other person is in possession of such card or some other person is in possession of a house hold consumers card on his behalf or if name of any member of his family is included in another consumer card.

Provided that where a house-hold consumer card already obtained has been lost, defaced or damaged, the holder thereof may apply to the Food and supplies Officer of the circle from which such card was issued for a duplicate consumer card and on application which shall be accompanied by a fee of rupees two, the Food and supplies Officer may after making such enquiry as he deems fit, issue a duplicate house-hold consumer card.

12. Power to issue special permits:-

(1) Notwithstanding anything contained in this Order, the Food and supplies Officer may issue special permits for articles specified under this Order to any person or class of persons, who do not reside or intend to reside permanently in the Union territory of Delhi for obtaining supply of any such article for such period and for such quantity and from such source as may be specified therein.

(2) Where a special permit issued under this clause has been lost defaced or damaged, the holder thereof may apply to the officer by whom such permit was issued for a duplicate permit and on such application which shall be accompanied by a fee of rupee one the officer concerned may after making such enquiry as he deems fit, issue a duplicate permit.

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13. Prohibition to obtain consumers card by the Armed service Personnel:- No person shall obtain a house-hold consumers card for himself or any member of his house-hold if he is receiving specified articles for himself or such members as the case may be, from any Naval Military or Air Force Authority.

NOTE:- Such service personnel on leave and residing in the Union Territory of Delhi as are not drawing specified articles from such authority during the leave period shall be entitled to obtain house-hold consumer card for the specified period of leave on application to the Food and Supplies Officer concerned.

14. Power to issue Establishment Permits to Establishment:-

(1) Notwithstanding anything contained in this Order the Commissioner or the Officer authorised by him in this behalf, in writing may issue establishment permits to establishment referred to in clause 2(8) of this Order;

Provided that the Establishment permits issued under this clause shall be valid for the article and the units sanctioned thereon, the quantity and the period specified therein.

(2) Where an establishment permit already obtained has been lost, defaced or damaged the holder thereof may apply to the ~~local~~ Food and Supplies Officer of the Circle from which such permit was issued for a duplicate permit and on such application, which shall be accompanied by a fee of five rupees, the Food and Supplies Officer may, after making such enquiry as he deems fit issue a duplicate establishment permit.

(3) The Commissioner or the Deputy Commissioner may issue directions in writing to the holder of such establishment permits concerning the manner in which and the conditions subject to which any specified article may be supplied or obtained or in connection with maintenance of account etc. in respect thereof.

(4) It shall be the condition of every establishment permit issued under this clause that the person to whom the permit is to be issued shall furnish such security not exceeding one thousand rupees and in such form as may be specified by the Commissioner in this behalf for the performance of the conditions subject to which the permit is issued.

Provided that the Commissioner may exempt any person or class of person from the deposit of security in whole or in part.

- (5) If any person holding an establishment permit contravenes or attempts to contravene any of the provisions of this Order or the directions issued there under from time to time or the conditions subject to which the permit was issued, the Deputy Commissioner may, after making such enquiry, as may be deemed necessary and after giving an opportunity of personal hearing against the action proposed without prejudice to any other action that may be taken against such persons, suspend or cancel his establishment permit and in this behalf or for feint in whole or in part the security deposited by him in this behalf.

Provided that if it is considered necessary to suspend the establishment permit pending enquiry, it shall not be necessary to give an opportunity of hearing to the permit holder before such interim suspension subject to the condition that the period of such suspension shall not exceed three months.

- (6) Any person aggrieved by the order of the Deputy Commissioner made under sub-clause (5) may prefer an appeal in writing before the prescribed authority within Commissioner, where any such order is made suo-moto by the Commissioner the aggrieved person may prefer an appeal before the Financial Commissioner Delhi. An appeal arising from an order made under sub-clause (5) shall be preferred before the prescribed authority within a period of thirty days from the date of receipt of the order by the person so aggrieved.
- (7) The provisions of clause 6 of this order, so far as may be, shall mutatis-mutandis apply to appeals preferred under sub-clause (6) of this Order.
15. Availability of Authorized Document:- A house-hold consumer card shall be available for lawful use only for the person or persons included therein who is or residing at the address for which it is issued.

Provided that no person shall obtain or cause to be obtained any specified article in respect of a person who is absent from the Union Territory of Delhi during a period of more than a calendar month at the time supplies are obtained.

Provided further in the case of death or absence from the house-hold for a period exceeding one month of any person included in a house-hold consumer card the holder of the consumer card shall give prompt intimation to the Food & Supplies Officer of the Circle in which he is residing and shall present the consumer card before him for deletion of the name of such person from his consumer card. No consumer card holder shall draw any specified articles in respect of such a person irrespective of whether or not the name of such person has been deleted from his consumer card.

(2) An establishment permit shall be available for lawful use only:-

- (i) while the person in charge of the establishment is ordinarily living in the Union Territory of Delhi.
- (ii) while the business of the establishment is carried on at the address specified on the establishment permit.

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EXPLANATION :- 1. The person in charge on an establishment shall be deemed to be ordinarily living in the Union Territory of Delhi if he is not absent there from for a period exceeding one month at a time.

EXPLANATION :- 2. The business of the establishment shall be deemed to be carried on if the establishment is not closed or suspended for a continuous period exceeding two weeks.

Provided that no person holding establishment permit shall obtain or cause to be obtained specified articles against an establishment permit during the period of suspension or closure of its business if such suspension or closure exceeds 2 weeks and shall give prompt intimation of such suspension or closure to the Food & Supplies Officer and present the establishment permit to him for necessary correction.

Provided further that notwithstanding any quantity of any specified articles sanctioned on any establishment permit issued to any institution the holder of such permit shall draw such lesser quantities as are permissible for the actual number of inmates of the institutions for the period for which supplies are drawn.

(3) No person shall transfer to any other person any authorised document issued in respect of him under the provisions of this order or any specified article obtained against any authorised document without prior permission in writing of the Deputy Commissioner.

(4) Every authorised document issued under this order shall be the property of the Administrator but the person to whom it is issued or surrendered or with whom it is retained under the provisions of this order shall be responsible for its safe custody.

(5) When any person is in possession of an authorised document and such possession is not authorised by or under this order, he shall forthwith deliver the same to the officer in charge of the nearest Food and Supplies Office.

(6) No person shall without lawful authority alter any entry in an authorised document. If the holder of authorised document finds that some other person has without lawful authority to do so made an alteration in the authorised document affecting its validity or the quantity or the kind of specified articles obtainable on it, the holder of such document shall forthwith report the fact to the Food and Supplies Officer concerned in writing.

(7) Where any authorised document is required to be cancelled under or for the purpose of this order, it shall be

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be cancelled forthwith by the competent Authority in ink and shall, upon such cancellation, cease to be available for lawful use.

16. Procedure for obtaining supplies against Consumer Cards:-
 (1) The head of the family of whom a household consumer card has been issued shall be termed the holder in respect of that card. Each household consumer card shall show the number of units allotted to the holder at the rate of two units for each person of the age of 12 years and above and one unit for each person of the age of less than 12 years in respect of all specified articles, other than sugar and at the rate of one unit for each person irrespective of the age of the person in respect of sugar if sugar is also declared to be specified article.

(2) Each coupon on a household consumer card shall be valid for the number of units allotted to the holder in respect of various specified articles.

(3) The value of units in terms of quantity of specified articles for various categories of authorised documents shall be as notified by the Commissioner in the Official Gazette from time to time.

(4) The Commissioner may by notification in the official Gazette authorise the issue of such additional quantity of specified articles, as may be specified in the notification to any person or class of persons whom he may consider eligible.

(5) The holder of household consumer card may register himself with any fair price shop holder functioning within the circle of his residence. Provided that the Food and Supplies Officer may order attach any person or class of persons to any particular fair price shop within his circle and the Deputy Commissioner may attach any person or class of persons to any particular fair price shop out of the circle.

Provided further that the holder of a household consumer card shall be entitled to obtain his supply of specified articles against the said card only from the fair price shop holder with whom he is registered.

Part IV - Miscellaneous

17. Formation of circle :- The Commissioner shall divide the entire area of the Union Territory of Delhi into two or more circles by an order in writing published in the official Gazette specifying the boundaries of each circle for the purpose of administering this order.

Provided that the boundaries of circles specified under the Delhi Specified Food Articles (Regulation of Distribution) Order, 1968 and in force immediately on commencement of this order shall be deemed to be specified under this order until modified or revised under this clause.

18. Power to call for information & Records :- Every authorised wholesaler or fair price shop holder as the case may be, when so required by general or special directions by the Food & Supplies Officer in this behalf shall :-

(1) deliver to him all authorised documents and other records surrendered or given to him under or for the purpose of this order; and

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(2) furnish such particulars, accounts and information relating to his dealings in and stocks of specified articles as may be required.

EXPLANATION :- For purpose of this clause an authorised wholesaler or fair price shop holder includes a dealer whose authorisation has been suspended or cancelled.

19. Instructions to Fair Price Shop Holder :- (1) A fair price shop holder shall not register consumer cards if the total number of units registered with him exceed the maximum units specified by the commissioner in this behalf:

Provided that the commissioner may by order exempt any fair price shop or fair price shops from the restrictions imposed under this clause.

Provided further that on commencement of this Order the relaxation in registration limit granted under the Delhi Specified Food Articles (Regulation of Distribution) Order, 1968 to a dealer who is deemed to be a fair price shop holder under this order, shall be deemed to be a fair price shop holder under this order, shall be deemed to have been granted under this order.

(2) A fair price shop holder shall register consumer cards only after the holder of the consumer card has signed or put his/her thumb impression in the space provided for the purpose on it and its counter foil while registering the card the fair price shop holder shall put his number and serial number of registration on the consumer cards.

(3) A fair price shop holder shall keep and maintain the counter foils and such other records relating to authorised documents as may be specified and in the manner prescribed by the commissioner or the Deputy Commissioner from time to time.

(4) A fair price shop holder shall register consumer cards issued from the circle office in the jurisdiction of which shop is located. He may however, register consumer cards of other circles if specifically permitted to do so.

(5) (a) A fair price shop holder shall supply specified articles only against the consumer cards registered with him or against any special consumer card issued by the Food & Supplies Officer.

(b) On demand and offer of price by or on behalf of the holder of consumer card registered with a fair price shop holder and against cancellation of the appropriate coupon(s) the fair price shop holder shall supply to the holder specified article not exceeding the quantity obtainable on the consumer card.

(6) Every fair price shop holder shall maintain proper record of purchase, distribution and sale of specified articles, and registration of consumer card and tother other documents in such form as may be specified by the commissioner or the Deputy Commissioner from time to time:

Provided that until such time new forms are prescribed under this order, the form for maintainance of record of registration of each memon prescribed under the Delhi Ration- in Regulation, 1966 and/or Delhi Specified Food Articles (Regulation of Distribution) Order, 1968 shall be deemed to

have been specified under this order.

(7) Every fair price shop holder shall submit indent for supply of specified articles in the Circle office concerned in the manner to be specified by the Deputy Commissioner from time to time.

(8) Every Fair price shop holder shall send a statement of registered units every month to the circle office along with indent in such form as may be specified by the Deputy Commissioner:

Provided new forms of indents and registered units are specified under this order, the forms prescribed under the Delhi Rationing Regulations 1966 and/or Delhi Specified Food Articles (Regulation of Distribution) Order, 1968 for this purpose shall be deemed to have specified under this Order.

(9) (i) A fair price shop holder shall purchase specified food articles only on the basis of authority issued by the Food & Supplies Officer and from the authorised wholesaler mentioned in the authority and by such date as may be specified therein.

(ii) Every fair price shop holder shall keep every such authority in safe custody and in case any such authority is lost, defaced or damaged, the fair price shop holder shall give prompt intimation thereof in writing to the Food and Supplies Officer of the Circle concerned and shall apply for the issue of a duplicate authority. Every such application shall be accompanied by a fee in the form of a crossed postal order of the value or rupees five and upon receipt of such application and after making such enquiry as may be considered necessary, the Food & Supplies Officer of the Circle concerned may issue a duplicate authority:

Provided that in case of loss of an authority, the fair price shop holder shall also lodge a report with the police and inform the authorised wholesaler in writing on the same day on which such loss comes to his notice.

10. Every fair price shop holder shall comply with all general or special directions given in writing from time to time by the Commissioner, the Deputy Commissioner or the Food & Supplies Officer concerning the manner in which and conditions subject to which any specified article may be obtained/supplied or kept for household consumption or for establishment consumption or in connection therewith as also with connection to the maintenance of accounts, submission of reports etc.

20. Instructions to Authorised wholesalers:- (1) An authorised wholesaler shall issue specified articles only on an authority issued by the Food and Supplies Officer and against the establishment permits registered with him and ~~against cancellation of the coupon for the relevant period(s)~~ in respect of the supplies made against the establishment permit.

(2) An authorised wholesaler shall issue only such quantity as is specified in the authority or as the case may be in the establishment permit registered with him. The supply shall be made on demand and offer of price by or on behalf of the authority or establishment permit.

(2) An authorised wholesaler shall obtain such quantities of specified articles as are necessary to enable him to comply with authorities presented to him and to meet the requirements of the establishment, permits registered with him.

(4) An authorisee wholesaler shall maintain such forms and register and submit such returns and statements as may be prescribed and comply with such general or special directions as may be given in writing from time to time by the Commissioner or the Deputy Commissioner or by any other officer authorised in this behalf by the Administrator concerning the manner in which and condition subject which any specified article may be obtained/supplied or kept.

Provided that until such time procedure for maintenance of record etc., is prescribed under this Order the procedure regarding the maintenance of record and submission of returns by such dealers under the Delhi Rationing Order, 1966 and/or Delhi specified Food Articles (Regulation of Distribution) Order, 1968 shall continue to be followed under this order.

21. Power to authorise supply and distribution of Specified Articles otherwise than by means of authorised documents:-

Notwithstanding any other provisions of this Order, the Commissioner may authorise the supply or disposal of any specified articles otherwise than an authorised documents.

Added vide order No. F. 5(3)/83-F&S (P&C) Dt. 17.10.83

21-A Movement of Specified Articles:- The owner of a person in charge of a good vehicle shall carry with him a trip-sheet in the prescribed form-D and cash memo/Bill of sale in respect of such specified articles carried in the goods vehicle and produce the same for inspection on demand before the person(s) authorised under clause 25 of the Order.

Explanation: For the purpose of this clause "vehicle" shall include any mode of conveyance being used for such transportation.

22. Exemption:- The administrator may by general or special order except any person or class of persons from the operation of all or any of the provisions of this Order and may, at any time in the like manner suspend or rescind and such exemption.

23. Delegation of powers by the Administrator:- The Administrator may by general or special order delegate the powers conferred on him under this order to any officer subordinate to him; except in this Order.

24. Powers to issue directions:- (1) The Administrator or the Commissioner in respect of this clause may by notification in official gazette issue general directions for the purpose of giving effect to the provisions of this Order.

(2) Any contravention of any direction given by or under the provisions of this Order shall be deemed to be contravention of this Order.

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25. Powers to enter and inspect premises require information, check accounts and seize articles etc:- (1) The Commissioner or Deputy Commissioner or any Magistrate or any Officer of the Food & Supplies Department not below the rank of Sub-Inspector or any Officer not below the rank of Sub-Inspector or person or body of persons authorised by the Commissioner in this behalf may:

(a) inspect any stocks of specified articles, books, accounts or other documents pertaining to dealing in specified articles and for the purpose of such inspection enter and if necessary break-open or seal any premises used or believed to be used for the sale or distribution or storage of any specified article or the premises of an establishment.

(b) require any person to make any statement or furnish any information or produce any document or article in his possession or ^{control relating to the purchase, sale, distribution or} storage of any specified article and any person so required shall comply with such requisition.

(c) require any person to render an account or to produce books, accounts or other documents relating to or believed to be relating to the purchase, sale distribution or storage of any specified article and any person so required shall comply with such requisition.

(d) take or cause to be taken extracts from or copies of any document relating to the purchase, sale, distribution or storage of any specified article which is produced under sub-clause (b) or subclause (a) or otherwise found in any such premises.

(e) test or cause to be tested the correctness of any weight or measure used or believed to be used in any transaction relating to the sale or distribution of any specified article;

(f) take or cause to be taken the weight of all or any of the specified articles found in any such premises.

(g) take or cause to be taken samples of specified articles kept for sale for comparing with the approved samples of such specified articles authorised for sale

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or for analysis.

(h) search any such premises and seize any article and document in respect of which he has reason to believe that any provisions made by or in pursuance of this Order has been or is being contravened.

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

(3) The powers exercisable under this clause shall not be exercised except for the purpose of securing compliance with provisions of this Order.

(4) The non-official persons or body of persons to be authorised under sub-section (1) shall not be authorised for any purpose other than the purpose of inspection of consumer food cards and fair price shops authorised under this order, for the distribution of specified articles.

26. Repeal and Savings :- The Delhi Specified Food Articles (Regulation and Distribution) Order, 1968 is hereby rescinded:

Provided that notwithstanding anything to the contrary contained in this order, such rescission shall not affect the previous operation of the Delhi Specified Food Articles (Regulation of Distribution) Order, 1968, or any thing done or suffered there under of any right, privilege, obligation or liability acquired/accrued or incurred under the said order or any penalty, for forfeiture or punishment incurred or imposed in respect of any offence committed under the said Order or any investigation legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, for forfeiture of punishment as aforesaid and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty forfeiture or punishment may be imposed as if the said order has not been rescinded.

By Order,

sd/-
DEPUTY SECRETARY (FOOD & SUPPLIES)
DELHI ADMINISTRATION, DELHI.

For Office use only

Regd. No.

Date of receipt

Form (A)
(See clause 3)

THE DELHI SPECIFIED ARTICLES (REGULATION OF DISTRIBUTION)
ORDER, 1984.

Application for grant of Authorisation
circle

Authorised wholesaler
Fair Price Shop.

Crossed Postal Order enclosed

No.

value

1. Full Name of the applicant.
2. Father/Husband's Name.
3. Complete Residential Address of the applicant.
4. Name & Style of the firm.
5. Complete Address of the business premises.
6. Complete address of the godown, if any where specified articles will be stored.
7. Whether the business premises/godown in legal possession of the applicant. (Documentary proof in this behalf be enclosed).
8. Whether the firm is sole proprietorship of the applicant or a partnership firm or a cooperative society or a registered company. In case of a partnership firm an attested copy of the partnership deed be enclosed).
9. In case if coop. society/company state the names and addresses of the all office-bearers/directors.

Name & address	Designation
1.	
3.	
4.	

1.
3.
4.

10. Nature of present business of the
 - i) firm
 - ii) Applicant
 - iii) Each partner of the firm
 - iv) whether the firm or the applicant or any one of the partners have any interest in any flour mill (chakki) or any FPS if FPSs functioning in the Union territory of Delhi. If so give full particulars of such chakki, FPS or FPSs

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12. Whether the applicant or the firm or any of its partners are running any provision(s) store in the locality for which authorisation is applied for. If so, give complete name and address of the store.
13. Had the applicant or the firm or any of its partners or previously been applied for grant FPS/FPES. If so, when and with what results.
14. Whether the applicant or the firm or any of its partners has previously been running any FPS/FPES. If so, give full details thereof and, reasons of its closure.
15. Whether the applicant or the firm or any of its partners is holding any licence issued under the Essential Commodities Act, DIR. If so, give full details thereof and address of the premises where the same is held.
16. Whether the applicant or the firm or any of its partners have ever been convicted of any offence under D.C.A. Act or D.I.R. If so, give full details thereof.
17. Whether any case is pending in the Food & Supplies Department or in the Court against the applicant or the firm or any of its partners,
18. Whether the applicant or the firm is financially capable of running the business under authorisation applied for without the aid and assistance of any third party.
19. Description of the proposed business premises (A site plan of the business premises be enclosed).

Length	width	weight
Storage Capacity Bags		
20. Whether the proposed business premises is part of residence. (Strike which is not applicable)

Yes/No

21. Whether the applicant is ex-service man/a member of the scheduled class/Tribe. If so, document proof in this behalf be enclosed.

Delhi
Dated the

(SIGNATURE OF THE APPLICANT)

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INSTRUCTIONS

1. All columns shall be filled legibly.
2. Clear and precise information shall be given against each column in the space provided.
3. If any column is left blank or not properly replied to or the application is not accompanied by the crossed postal order of the requisite value, the application is liable to be rejected summarily.
4. Please note that it is an offence punishable with imprisonment or fine or both to give wrong or false information in this application.
5. The Authorisation is granted is liable to be cancelled forthwith if subsequently it is found that the applicant had given wrong or false information in the application for the issue of authorisation.

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FORM B

(See clause 3)

The Delhi Specified articles (Regulation of Distribution) Order, 1981.

Authorisation of an Authorised wholesaler

Authorisation No. _____ Date and Issue _____

In exercise of the powers delegated to me under clause 3 of the Delhi Specified Articles (Regulation of Distribution) Order, 1981, I _____ Deputy Commissioner, Food & Supplies, Delhi hereby authorised M/s _____

to be an authorised wholesaler for purposes of the said order in respect of the specified articles given below:-

- 1.
- 2.
- 3.
- 4.

The business as Authorised wholesaler shall be carried out by the Authorised wholesaler from their business premises situated at _____ under and in accordance with the provisions of the said order and directions issued thereunder from time to time and the terms and conditions which may be added to this authorisation from time to time.

DEPUTY COMMISSIONER : FOOD & SUPPLIES
DELHI.

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TERMS AND CONDITIONS OF THE AUTHORISATION

1. This authorisation shall be displayed at a conspicuous place in his office by the authorised wholesaler and shall be produced for inspection when required.
2. This authorisation is liable to be amended; suspended; withdrawn, revoked, rescinded or cancelled in accordance with the provisions of the Delhi Specified Articles (Regulation of Distribution), Order, 1981 herein after referred to as "the said Order".
3. The authorised wholesaler shall be responsible for carrying out the purchase, storage and the sale of specified articles efficiently and promptly in a business like manner and in accordance with the directions and instructions issued by the Commissioner or the Deputy Commissioner.
4. The authorised wholesaler shall maintain true and correct accounts of all purchase and sales of specified articles in the prescribed manner(s) and shall be responsible for the safety of such specified articles and for the safe keeping of accounts shall be kept at his office by the authorised wholesaler and made available for inspection when required by an officer authorised in this behalf under the said Order.
5. The authorised wholesaler shall display every day at a conspicuous place at their business premises the opening balance of specified articles and the wholesale prices in bold letters on a painted board.
6. The authorised wholesaler shall also maintain and display at a conspicuous place, near to the sale counter, a complaint book which shall be made available to the customer on demand.
7. The authorised wholesaler shall also maintain an Inspection Book to be available to the inspecting staff when required.
8. The authorised wholesaler shall make sale of specified articles under the said Order only against valid authorities issued by the Food and Supplies Officers of the Circles to which they are linked for the time being for supply of such specified articles or against authorities issued by an ~~Officer not below the rank~~ of FSO/CSO of Office of Food & Supplies.
9. The authorised wholesaler shall not store any specified articles outside the authorised premises without prior permission in writing of the Deputy Commissioner, Food and Supplies, Delhi.
10. The authorised wholesaler shall not sell any specified article which is not in conformity with the standards prescribed under prevention of Food Adulteration Act or under any other law for time being in force.
11. The authorised wholesaler shall comply with any direction or instruction given to him by the Commissioner, the Deputy Commissioner in regard to the purchase, storage, sale or disposal of any specified article or the manner in which accounts thereof shall be maintained and returns submitted.

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12. The authorised wholesaler shall use correct weights and measures duly certified by the weights & Measures Department.
13. The authorised wholesaler shall obtain supplies of specified articles allocated to him for sale under the provisions of the said Order from such source and by such dates as may be specified in the directions given to him by the Deputy Commissioner from time to time.
14. The authorised wholesaler shall not charge prices for the sale of any specified article in excess of the price fixed by the Government from time to time or communicated to him in writing by the Deputy Commissioner.
15. The authorised wholesaler shall extend full cooperation and assistance to the inspecting staff in the checking of stocks of specified articles and furnish such information as may be required by them in relation to his business.
16. Whenever the existing issue price of any specified article is revised by the Government either upward or downward, the stock of specified articles as on the morning of the day from which the revised issue price comes into force should be assessed and intimated to such officers of the Government as may be specifically authorised for the purpose. In the case of revision of price upward, differential cost on the quantity specified articles so held in stock should be remitted to the Government in the manner specified by the Commissioner, Food & Supplies, Delhi, similarly in the case of revision of prices downward, a refund claim for the differential cost should be submitted to such officers of Government as may be specifically authorised for the purpose who will arrange for the necessary refunds.
17. Any sum due from the authorised wholesaler shall be recoverable as arrears of land revenue.

FORM C

The Delhi Specified Articles (Regulation of Distribution) Order, 1981
Authorisation of Fair Price Shop

FPS No. _____ Circle _____

Authorisation No. _____ Date of Issue _____

In exercise of the powers delegated to me under clause 3
of the Delhi Specified Articles (Regulation of Distribution)
Order, 1981, I, _____, Deputy
Commissioner Food & Supplies, Delhi, hereby authorise M/s _____

to be a fair price shop holder for purposes of the said
order in respect of the specified articles given below:-

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____

2. The business as a fair price shop holder shall be carried
out from the premises situated at _____

in circle No. _____ under and in accordance
with the provisions of the said order and the directions
issued there under from time to time and the terms and condi-
tions printed overleaf and such further terms and conditions
which may be added to this authorisation from time to time.

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DEPUTY COMMISSIONER (FOOD & SUPPLIES)
DELHI ADMINISTRATION : DELHI

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Terms and conditions of the Authorisation

1. This authorisation is not transferable and the fair price shop holder shall not change the composition of the firm in any way or give any general power of attorney to any to any person for running the fair price shop without prior permission in writing of the Deputy Commissioner, Food & Supplies, Delhi.
2. This authorisation shall be displayed at a prominent place in the fair price shop and shall be produced for inspection when required.
3. This authorisation is valid only for the premises specified therein and the fair price shop holder shall not store any specified article at any other place without prior permission in writing of the Authorised Officer.
4. This authorisation is liable to be amended, withdrawn, suspended, revoked, rescinded or cancelled in accordance with the provision of the Delhi Specified Articles (Regulation of Distribution) Order, 1981.
5. The fair price shop holder shall be responsible for carrying out the retail sale of specified articles efficiently promptly and in a business like manner and in accordance with the directions and instructions given to him from time to time.
6. The fair price shop holder shall maintain true and correct accounts of all purchase and sales of specified articles supplied to him from time to time in the prescribed manner and shall be responsible for the safe keeping of all such records and for making them available for inspection as and when required. All such books of accounts shall be kept at the authorised business premises.
7. The fair price shop holder shall display sign Board, stock and price board, Notice Board and sealed samples of the articles in stock at conspicuous place at his fair price shop.
8. The fair price shop holder shall also display at the conspicuous place the complaint Book which shall be made available to consumers on demand for recording complaint.
9. The fair price shop holder shall also maintain an Inspection Book and make the same available on demand by the Officers and inspecting staff.
10. The fair price shop holder shall observe the prescribed working hours and lunch interval. The shop shall not be kept closed during working hours without prior permission in writing of an officer not below the rank of Food and Supplies Officer.

11. The fair price shop holder shall not deal in any article of the onmarket which is declared to be a specified article under the Delhi Specified Articles (Regulation of Distribution) Order, 1981 or instal or run any flour mill (chakki) or run any establishment in which any specified article is consumed.
12. The fair price shop holder shall obtain the specified articles only in the manner laid down by or under the said order and shall not charge prices higher than the prices fixed by the government for the sale of specified articles or communicated to him in writing by the Deputy Commissioner.
13. The fair price shop holder shall supply specified articles only against valid and authorised documents issued under the said order and authorised to be registered with him for that purpose.
14. The fair price shop holder shall keep it permanently closed any door or windows which offers access to any other person of the building in which the fair price shop is situated.
15. The fair price shop holder shall not contravene any of the provisions of the Delhi Specified Articles (Regulation of Distribution) Order, 1981 or any other law relating to essential commodities for the time being in force.
16. The fair price shop holder shall extend his full cooperation and assistance to the inspecting staff in the checking of his stocks and accounts and give such information as may be required by them in relation to his business.
17. The fair price shop holder shall comply with any directions or instructions given to him by the authorised officer in regard to the purchase, sale and storage of specified articles and the manner in which accounts thereof shall be maintained and returns submitted.
18. Whenever the existing issue price of any specified article is revised by the government either upward or downward, the stock of specified food articles as on the morning of the day from which the revised issue price comes into force should be assessed specifically authorised for the purpose. In the case of revisions of price upward, differential cost, on the quantity of specified articles so held in stock should be remitted to the government in the manner specified by the Deputy Commissioner, Food & Supplies, Delhi. Similarly in the case of revision of prices downward, a refund claim for the differential cost should be submitted to such officers of Government as may be specifically authorised for the purpose who will arrange for the necessary refunds.
19. Any sum due from the fair price shop holder shall be recoverable as arrears of land revenue.

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THE DELHI SPECIFIED ARTICLES
(REGULATION OF DISTRIBUTION)
ORDER, 1981.

FORM 'D'
(See sub-clause 21-A)

Registration mark of the goods vehicle (Motor vehicle) Date of Movement
Hours

1) Quantity of specified articles carrying

*1-A. Kind of Article

2) Place of Despatch

3) Place of destination where specified articles to be Unloaded.

4) Route to be followed in an ordinary hourse.

5) Name of the consigned

*1-A) Bill No/Invoice No.

6) Name of the consignee

Signature of person incharge of goods vehicle.

Signature of Owner of specified Articles.

* Added vide Oder No. F. 2(3)/83-F&S(P&C)
Dated 23rd January, 1984.

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(TO BE PUBLISHED IN PART IV OF THE DELHI GAZETTE EXTRAORDINARY)
DELHI ADMINISTRATION:DELHI:
(FOOD AND SUPPLIES DEPARTMENT)

NOTIFICATION

Dated the 12.1.1981.

NO.F.23(2)/78-81/F&S(P&C)/II :- In pursuance of the provisions of sub-clause (14) of clause 2 of the Delhi Specified Articles (Regulation of Distribution) Order, 1981 and in superssion of all notifications issued in this behalf under the Delhi Specified Food Articles (Regulation of Distribution) Order, 1963, the Administrator is pleased to declare the following articles to be " Specified Articles" under the Delhi Specified Articles(Regulation of Distribution) Order, 1981 w.e.f. 12.1.81.

- 1. wheat and wheat products.
- 2. Rice
- 3. Sugar.
- 4. Rapeseed Oil
- 5. R.B.D. Palm Oil
- 6. Palmolein Oil
- 7. Candles
- x8. Soyabean Oil (Added on 4.6.84 vide Order No. F.6(13)/85-F&S(P&C)dt. 28.10.85
- xx 9. Panghat Ghee xx - do -
- 10. No. I Ghee
- 11. Control cloth
- 12. Iodised salt (Added vide Order No. F.23(2)/78-91/97-F&S(P&C)/462 dated 27-3-97.

BY Order

sd/-

(L.D. GUPTA)
DEPUTY SECRETARY:FOOD & SUPPLIES
DELHI ADMINISTRATION:DELHI.