

OFFICE OF THE DISTRICT MAGISTRATE
NORTH 24 PARGANAS, BARASAT
(GENERAL SECTION)
31 DEC 2014
No. G.M.P.S. 5789
Contents not Verified Signature

COOKING GAS

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Government of West Bengal
Department of Food and Supplies
Directorate of Consumer Goods
Arza Ghalib Street, Kolkata- 700087

Shyamal
Chatterjee
23/12/14


Memo No. CG/LPG/ 46/2014

DL 23, 12, 2014

To:
All District Magistrates,
North 24 Parganas

Enclosed please find amendment to West Bengal Cooking Gas (Licensing and Control) Order, 1985.

Encls: As stated above


Director of Consumer Goods
Food and Supplies Deptt.
Govt. of West Bengal

Memo No. CG/LPG/

DL. 23.12.14

Copy forwarded for information and necessary action to:

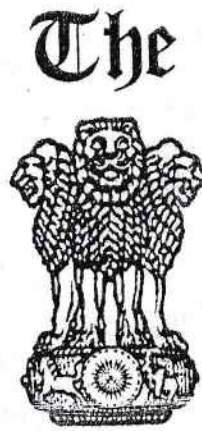
1. P.S. to Hon'ble M.C., Food and Supplies Department, Govt. of West Bengal
2. P.A. to the Commissioner, Food, Govt. of West Bengal
3. Additional Secretary, Food & Supplies Deptt, Govt. of West Bengal
4. The Joint Secretary to the Govt. of W.B. Food and Supplies Deptt. (IT Cell) with a request for uploading in the portal of the Deptt.'s Website.
5. Joint Secretary to the Govt. (Food) F & S Deptt. with a request for keeping records
6. All Directors, Food & Supplies Deptt. Govt. of West Bengal.
7. General Secretary, LPG Distributors Association.

Director of Consumer Goods
Food and Supplies Deptt.
Govt. of West Bengal

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Kolkata



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Gazette

Extraordinary
Published by Authority

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THURSDAY, DECEMBER 4, 2014

[SAKA 1936

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
FOOD & SUPPLIES DEPARTMENT
11-A, MIRZA GHALIB STREET
KOLKATA-700 087

NOTIFICATION

No. 2868/FS/FS/Sectt/Sup/4M-16/2014, 2nd December, 2014 - Whereas the Governor is of opinion that it is necessary and expedient so to do for the maintenance of supplies and for securing the equitable distribution and availability at fair prices of domestic LPG cylinders in all parts of West Bengal;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Essential Commodities Act 1955 (Act 10 of 1955), read with Clauses (d), (e), (h) and (j) of sub-section (2) of that section and sub-section (1) of section 7 of the said Act and Order No. S.O. 681(E), dated the 30th November, 1974 of the Government of India, Ministry of Industry and Civil Supplies (Department of Civil Supplies and Co-operation), the Governor has been pleased hereby to make the following amendments in the West Bengal Cooking Gas (Licensing and Control) Order, 1985 published with this Department Order No. 5236/F.S., dated 10th July, 1985, as subsequently amended (hereinafter referred to as the said order):

AMENDMENTSAmendment No.1:

1. Paragraph 2 is deleted and replaced by new Paragraph 2 with following amendments:
2. **Definitions:** In this Order, unless there is anything repugnant in the subject or context -
 - a) "Act" means the Essential Commodities Act, 1955 (10 of 1955);
 - b) "Appellate Authority" means the authority appointed by the State Government to exercise the powers of the Appellate Authority under this Order;
 - c) "Authority" means any officer not below the rank of Sub-Inspector of Food & Supply working in the Department of Food and Supplies, Government of West Bengal;

- d) **"Books of Accounts"** means the Computerised Daily Stock Register/Daily Closing Stock Details of Filled, Empty and Defective Cylinders, Cash Book, Computerised Cash memo Register, Register of Computerised Challan issued by OMC and other relevant documents as may be specified by the Licensing Authority.
- e) **"Calcutta"** means the town of Kolkata and the adjoining areas within the jurisdiction of the Kolkata Municipal Corporation as amended from time to time and includes Bidhan Nagar as notified under the West Bengal Government Township(Extension of Civil Amendments) Act, 1975) and as amended from time to time by the State Government;
- f) **"Collector"** has the same meaning as in clause (ia) of section 2 of the Essential Commodities Act, 1955 (10 of 1955);
- g) **"Consumer"** means a person whose name is registered with a dealer for getting supply of cooking gas from that dealer;
- h) **"Cooking gas"** means liquefied petroleum gas bottled in cylinder of a specified weight defined by OMC;
- i) **"Dealer"** means a person including a firm, an association of persons, a company, a corporation, a partnership firm or a co-operative society engaged in the business of purchase, sale or storage for sale, of cooking gas, on the basis of an agreement with an Oil Marketing Company, whether or not in conjunction with any other business, and includes his representative, employee, agent or commission agent but does not include an Oil Marketing Company;
- j) **"Director"** means the Director of Consumer Goods, (DCG) Department of Food and Supplies, Government of West Bengal and includes an Officer not below the rank of Assistant Director in the said Directorate authorized by the said Director in writing to perform all or any of the functions of the Director under this Order;
- k) **"District Magistrate"** in relation to a district means the District Magistrate and includes Additional District Magistrate in charge of Food Affairs, Sub Divisional Officer, District Controller of Food and Supplies and Sub Divisional Controller of Food and Supplies as the case may be, who has been delegated in writing to perform all or any of the functions of District Magistrate under this Order by the District Magistrate;
- (m) **"Form"** means a form appended to this Order'
- (n) **"Licensee"** means a person holding a valid licence granted under this Order;
- (o) **"Licensing Authority"** means (i) the Director of Consumer Goods(DCG) in case of a Dealer in Cooking Gas within Kolkata and Bidhan Nagar area and (ii) the District Magistrate in case of Dealer in Cooking Gas within a district under his/her jurisdiction;
- (p) **'Monitoring / Vigilance Committees'** shall mean and include a Committee or Committees constituted from time to time by the State Government;
- (q) **'Notification'** means notification published in the Official Gazette;
- (r) **"Oil Marketing Company"** means any of the following oil companies:
- (1) Indian Oil Corporation,
 - (2) Hindustan Petroleum Corporation,
 - (3) Bharat Petroleum Corporation,
- (s) **"State Government"** means the Government of West Bengal in the Department of Food and Supplies.
- (t) **"Vigilance Squad"** means squad formed by the State Government or by the Director of Consumer Goods or by other Licensing Authority for the purpose of close surveillance over the functioning of Cooking Gas Dealers.
- (u) **"Year"** means a year reckoned according to the English calendar.

Amendment No.2:

Following Explanation will be inserted under sub-paragraph (3) of Paragraph (3): Explanation: For the purpose of this sub-paragraph and sub-paragraph (2), the expression "working hours" means the working hours as may be, by notification, published by the State Government.

Amendment No.3:

Paragraph	Existing provision	Amended provision
4	Application for, and grant of, licence	Grant of licence
4 (3)	An application for licence under sub-paragraph (7) of paragraph 3 shall be made to the Licensing Authority in Form A and the Licensing Authority shall grant licence in Form B on payment of a fee of Rs. 10,000 (Rupees ten thousand) under Treasury Challan] within thirty days if the application is found to be order.	An application for licence shall be made to the Licensing Authority in Form A and the Licensing Authority shall grant licence in Form B on payment of a fee of Rs. 15,000 (Rupees fifteen thousand) through Treasury Challan within thirty days if the application is found to be in order.
4 (4)	If a licence is defaced, mutilated, lost or destroyed, the Licensing Authority may, after making such enquiry as he deems necessary, issue a fresh licence in place thereof on payment of a fee of [Rs. 5,000 (Rupees five thousand) under Treasury Challan] and thereupon the licence so defaced, mutilated, lost or destroyed shall be deemed to have been cancelled.	If a licence is defaced, mutilated, lost or destroyed, the Licensing Authority may, after making such enquiry as he deems necessary, issue a fresh licence in place thereof on payment of a fee of Rs. 8,000 (Rupees eight thousand) under Treasury Challan under the Head of Account mentioned at sub-paragraph (5) and thereupon the licence so defaced, mutilated, lost or destroyed shall be deemed to have been cancelled.
4 (5)	4(5) will be inserted : "Fee for grant of licence will be deposited under HEAD OF ACCOUNT : 1456 - 00 - 800 - 001 - Civil Supplies - 27 - Other Receipts. "	

Amendment No.4:

Paragraph	Existing provision	Amended provision
5	Power of Licensing Authority to refuse to grant or renew licence - The Licensing Authority may, after giving the applicant an opportunity of stating his case in writing and for reasons to be recorded in writing, refuse to grant or renew a licence.	Renewal of License - Renewal of licence shall be done only through computerised system online, as may be notified by the State Government. Provided that in case the online renewal system is temporarily not working, the State Government may provide for alternative mechanism for renewal, which will duly be notified.

Amendment No. 5 :

- (i) Following sub-paragraph (3) is inserted after sub-paragraph (2) of Paragraph 6: In case a Vigilance Squad of the State Government or the Licensing Authority detects any malpractice on the part of a Dealer/his representative/employee at the place of business or place of storage during inspection or raid, the Licensing Authority may, by order, suspend the licence and, after giving the licensee an opportunity of hearing, cancel licence.
- (ii) Following sub-paragraphs (3), (4) and (5) will be renumbered as (4), (5) and (6).

Amendment No. 6:

Paragraph	Existing provision	Amended provision
10	Submission of statement about the stock of cooking gas. — Every licensee shall submit to the Licensing Authority a statement about the stock of cooking gas held by him at the end of each month according to English calendar within three days from the last day of the month in Form 'C'.	Submission of statement about the Stock of cooking gas:- Every licensee shall submit to the Licensing Authority a monthly statement about the stock of cooking gas held by him at the end of each month according to English calendar within three days from the last day of the month in Form D.

Amendment No. 7 :

Following Para 14 will be inserted:

Duties and responsibilities of the Dealer:

- (i) Every Dealer shall maintain proper books of accounts as prescribed by the State Government. All such registers shall be produced for inspection or verification to any officer authorized by the Sub-Divisional Controller of Food and Supplies, District Controller of Food and Supplies, Assistant Director of Consumer Goods, or any officer, authorized by the State Govt. for undertaking such inspection.
- (ii) The Dealer shall display information on a notice board at a prominent place in the premises on daily basis regarding (a) retail issue prices, (b) timings of opening and closing of the shop, (c) opening and closing stock of cooking gas and (d) the authority for redress of grievances by lodging complaint.
- (iii) Every Dealer shall extend all sorts of co-operation to the authorized officials of the licensing authority or the State Government.
- (iv) The licensing authority will cause inspection at the office of the Dealer at any time as a normal supervision measure or on the basis of public complaint, during which the Books of Accounts and other relevant documents as may be specified by the Licensing Authority will be inspected, provided that the State Government shall have authority through officials not below the rank of Sub Inspector of the Department of Food and Supplies to conduct inspection or call for any documents maintained by the Dealer.
- (v) Every Dealer shall abide by the instruction as may be issued from time to time by the Licensing Authority of the State Government.
- (vi) The licensee shall comply with the provisions of the West Bengal Cooking Gas Control Order 1985, as amended, as well as with the directions issued by the Director of Consumer Goods or the District Magistrate as the case may be, from time to time.

Amendment No.8:

Form A, which is the existing Application Form for issue of license under Paragraph 4(1) and Form B which is the existing License issued under Paragraph 4(1) are deleted and the following Application Form A and Form B respectively are inserted:

Form A

{See Paragraph 4(1)}

Form for application for license

- (1) Name of the applicant/s (In Block letters) (all partners in case of partnership) :
- (2) Father's/husband's name (In case of individual) :
- (3) Residential address :

Self-attested
photograph

- (4) Permanent address:
- (5) Telephone No/Mobile No./email account:
- (6) Applicant's date of birth:
- (7) Address of the place where business is to be conducted with name of the Police Station, Gram Panchayat/Municipality/Municipal Corporation and area to be covered:
- (8) Particulars of the proposed outlet with Plot No, Khatian No., Name of mouza, Holding No., Road/Lane, Boundary, etc. (Copy of the sanctioned plan to be attached):
- (9) Size of the outlet with length, breadth, height, and area in Sq.Ft, length of the frontage on the street/lane mentioned at Sl.No.8:
- (10) Nature of possession, i.e. rental or ownership (enclose copies of acceptable documents like RoR and rent receipts/ copy of deed/copy of lease deed and rent receipt and no objection from the land lord wherever applicable)
- (11) Whether the godown has space for storage:
- (12) Whether the godown is pucca:
- (13) Character of the land on which the godown and/or outlet is situated:
- (14) Address of godown:
- (15) Name of the Oil Marketing Company with whom registered:
- (16) No. and date of the Dealership Agreement with that OMC (Copy to be enclosed):
- (17) In case the applicant is a partnership firm, No. and date of the original Partnership Deed (Copy to be enclosed):
- (18) Whether the applicant was at any time convicted by any criminal court under E.C. Act, 1955. No-Conviction Certificate will be submitted by self-declaration.
- (19) Prior experience of business (If any):
- (20) Whether the applicant /applicants/ partners (in case of Firm) holds any licence issued under the department of Food and Supplies for any other business. If so, the details thereof:
- (21) Whether the applicant is under litigation against the Govt. If yes, give details:
- (22) Details of License Fee:
- (23) List of documents submitted with the application:
 - (i) Amount deposited:
 - (a) T.R.Challan No. with date-
 - (b) Name of the Treasury-
 - (ii) Valid Explosive License--
 - (iii) Valid Fire license-
 - (iv) IT,ST,PT Clearance Certificate for the current year-
 - (v) Valid Trade License-
 - (vi) Valid Storage License-
 - (vii) Valid License from OMC-
 - (viii) Misc.

Declaration

I/we certify that the statements above are true to the best of my/our knowledge and that for any suppression of fact(s) detected later on, the licence granted to me / us is liable to be cancelled.

Dated, the _____

Place _____

Signature of applicant/s

Form B
[See Paragraph 4(1)]

Form of licence for a Dealer



Directorate of Consumer Goods, 11/A Mirza Ghalib Street, Kolkata-700087.
/ Office of the District Magistrate, _____

Name/s.....

Address.....

Licence no..... Date.....

Name of Oil Marketing Company under whom licensed _____

Dealership Agreement Deed No and Date _____

Original Partnership Deed No and Date _____

No. of original partners _____

Is/are hereby licensed as a Dealer to carry on business as Dealer in cooking gas from authorized place(s) of business at

(1)

(2)

(3)

at selling price approved by the OMC to the enlisted consumers.

Godown areas are:

(1)

(2)

(3)

This licence will remain valid up to.....20.....

Director of Consumer Goods
Government of West Bengal

or
District Magistrate
_____ district

CONDITIONS

1. The licensee shall not enter into any transaction involving purchase, sale, or storage for sale, of cooking gas in a speculative manner prejudicial to the maintenance and easy availability of supplies thereof in the market.
2. The licensee shall not withhold from sale/supplies cooking gas ordinarily kept for sale.
3. The licensee shall give all facilities at all reasonable hours to the Licensing Authority or any officer authorised by it or the State Government for the inspection of his stocks and accounts at any shop or other place used by him/her for storage, sale, or purchase of, cooking gas.
4. The licensee shall comply with any directions that may be given to him from time to time by the Licensing Authority in regard to the purchase, sale, or storage for sale, of cooking gas and in regard to the manner and the language in which the accounts shall be written.
6. The license shall cease to be valid in the event of death of the licensee or death of one of the partners in case the licensee is a partnership firm, or transfer of interest of the licensee in his/her business under license or reconstitution of the partnership firm where such firm is a licensee.
7. If the licensee intends to change his place of business to, or to store cooking gas in, any place or premises other than those mentioned in the license, the licensee shall surrender the license and apply for fresh license in the new place.
8. The licensee shall issue to every customer a cash memo, or credit note, as the case may be, giving its name, license number and address, the date of transaction, the quantity sold, the price, the number and date of the permit, if any, under which sold and the salesman's signature and shall keep duplicate carbon copies and credit notes, if issued manually or if electronically issued, shall keep backup in computers used in the business place, arranged serially and chronologically to be made available for inspection on demand by the Licensing Authority, or any officer authorised by it in writing in this behalf, and shall also preserve such duplicate copies or backup in compact disks for one year from the date of issue.
9. The licensee shall sell correct quantity of cooking gas with the help of accurate measuring instruments certified by the appropriate authority and calibrated on quarterly basis regularly.
10. The licensee shall comply with the provisions of the West Bengal Cooking Gas(Licensing and Control) Order, 1985 as well as with the directions issued by the Director of Consumer Goods or District Magistrate, as the case may be, from time to time. In no circumstances, ignorance of the West Bengal Cooking Gas(Licensing and Control) Order, 1985 shall be valid ground for escaping penal measure.

(Official seal of the
Licensing Authority)

Signature of the Licensing Authority

Form C

[See Paragraph 5]

Application for Renewal of Dealer's license

- (1) Name of the applicant/s (In Block letters) (all partners in case of partnership)
- (2) Father's/husband's name (In case of individual):
- (3) Residential address:
- (4) Permanent address:
- (5) Telephone No/Mobile No./email account:

Self-attested
photograph

- (6) Applicant's date of birth:
- (7) Address of the place where business is conducted with name of Police Station/Municipality/Municipal Corporation and area to be covered:
- (8) Particulars of the outlet with Plot No, Khatian No., Name of Mouza, Holding No., Road/Lane, Boundary, etc.:
- (9) Size of the outlet with length, breadth, height, and area in Sq. Ft, length of the frontage on the street/lane mentioned at Sl.No.9:
- (10) Nature of possession, i.e. rental or ownership (enclose copies of acceptable documents like "RoR and rent receipts"/ "copy of deed/copy of lease deed and rent receipt" and no objection from the land lord wherever applicable)
- (11) Whether the godown has enough storage space:
- (12) Whether the godown is pucca:
- (13) Character of the land on which the godown and/or Agents outlet is situated:
- (14) Address of godown:
- (15) Name of the Oil Marketing Company with whom registered:
- (16) No. and date of the Dealership Agreement with that OMC (Copy to be enclosed):
- (17) In case the applicant is a partnership firm, No. and date of the original Partnership Deed (Copy to be enclosed):
- (18) Whether any Reconstitution made during the previous year:
- (19) If so, copy to be attached:
- (20) If reconstitution by OMC takes time, whether written consent has been issued by OMC for continuation of business:
- (21) If so, copy of the written consent issued by OMC be attached:
- (22) Whether the applicant was at any time convicted by any criminal court under E.C. Act, 1955. If so, self-declaration to be enclosed:
- (23) Whether the applicant is under litigation against the Govt. If yes, give details:

List of documents submitted with the application:

- (1) Details of Renewal Fee:
 - (a) Amount —
 - (b) T.R.challan No. with date —
 - (c) Name of the Treasury —
- (2) Valid Explosive License —
- (3) Valid Fire license —
- (4) IT,ST,PT Clearance Certificate for the current year —
- (5) Valid Trade License —
- (6) Valid Storage License —

Declaration

I/we certify that the statements above are true to the best of my/our knowledge and that for any suppression of fact(s) detected later on, the licence granted to me / us is liable to be cancelled.

Dated, the _____

Place _____

Amendment No. 9 :

Form D

[See Paragraph 8]

Form of Statement showing stock of cooking gas held by the licensee at the end of each month

1. Opening balance of 14.2 kg filled cylinders on 1st day :
of the reporting month
2. Opening balance of 14.2 kg empty cylinders on 1st :
day of the reporting month
3. Opening balance of 19.0 kg filled cylinders on 1st :
day of the reporting month
4. Opening balance of 19.0 kg empty cylinders on 1st :
day of the reporting month
5. Opening balance of 5 kg filled cylinders on 1st :
day of the reporting month
6. Opening balance of 5 kg empty cylinders on 1st :
day of the reporting month
7. Opening balance of good pressure regulator on 1st :
day of the reporting month
8. Opening balance of defective pressure regulator :
on 1st day of the reporting month
9. No. of applications for new connections pending :
on 1st day of the reporting month
10. No. of applications for new connections received :
during the month
11. New connections given during the month :
12. No. of applications pending :
13. No. of filled cylinders received during the month
(i) 14.2 kg :
(ii) 19.0 kg :
(iii) 5 kg :
14. No. of 14.2 kg cylinders returned to OMC :
during the month
15. No. of 19.0 kg cylinders returned to OMC :
during the month
16. No. of 5 kg cylinders returned to OMC during the month :
17. No. of 14.2 kg cylinders sold during the Month to
(i) To existing consumers :
(ii) To new consumers :

18. No. of 19.0 kg cylinders sold during the Month to
- (i) To existing consumers :
- (ii) To new consumers :
19. No. of 5 kg cylinders sold during the Month to
- (i) To existing consumers :
- (ii) To new consumers :
20. Closing balance of 14.2 kg cylinders :
21. Closing balance of 19.0 kg cylinders :
22. Closing balance of 5 kg cylinders :
23. No. of consumers registered for single cylinder :
24. No. of consumers registered for single cylinder :
25. No. of consumers registered under DBTL :
26. No. of consumers registered under MDBTL :

Date :

Official seal of the licensee

Date :

Name and signature of the licensee.

By order of the Governor,

(ANIL VERMA)

Principal Secretary to the Govt. of West Bengal

&

Commissioner of Food