

Orders

H. P. Specified Articles (Regulation of Distribution) Order, 2003

Authoritative English text of this Department Order N: FDS-A(3)-8/2002, dated 28.11.2003 as required under clause (3) of Article 348 of the Constitution of India.)

**GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT OF FOOD, CIVIL SUPPLIES
AND CONSUMER AFFAIRS.**

**No. FDS-A(3)-8/2002 dated : Shimla-171002 the 28.11.2003;
ORDER**

Whereas the Governor of Himachal Pradesh is of the opinion that it is necessary so to do for maintenance of supplies and for securing equitable distribution and availability of some of the essential commodities at fair prices;

Now therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Government of India in the late Ministry of Agriculture and Irrigation (Department of Food) Order GSR-800 dated 9th June, 1978 and Ministry of Industries and Civil Supplies (Department of Civil Supplies and Co-operation) Order 8.0.681 (E) and 682(E) dated 30th November, 1974 and in pursuance of directions given in Clause 5 of Annexure to the Public Distribution System (Control) Order, 2001 issued by the Government of India Ministry of Consumer Affairs, New Delhi vide G.S.R. 630(E) dated 31st August, 2001, the Governor of Himachal Pradesh, is pleased to make the following Order, Namely:-

1. Short title, PART-I PRELIMINARY Extent and Commencement

- (1) This order may be called the Himachal Pradesh Specified Articles (Regulation of Distribution) Order, 2003.
- (2) It extends to the whole of the State, of Himachal Pradesh.
- (3) It shall come into force from the date of publication in the Rajpatra Himachal Pradesh.

2. Definitions.

- (1) In this order, unless the context otherwise requires.-
 - (a) "Act" means the Essential Commodities Act 1955 (10 of 1955).
 - (b) "Authorised document" means a permit or an authorization issued or deemed to have been made or issued under this Order for purchase or sale or storage for sale or distribution of any specified articles;
 - (c) "Authorised wholesaler" means the institution who are authorized to deal in the wholesale business for the procurement of essential commodities allotted by the Government/Department and issue essential commodities to fair price shop for sale to the consumers on Consumer Cards and includes a "sub-wholesaler";
 - (d) "Consumer" means a person drawing any essential commodity through fair price shops against Consumer Card issued by the specified authority declared for the area concerned in which the consumer permanently or temporarily resides;
 - (e) "Consumer Card" means a household consumer card or other document issued or made under or in pursuance of the provisions of this order for obtaining supplies of the specified articles;
 - (f) "Consumer Card Holder" means a person to whom a consumer card has been issued;
 - (g) "Controller" means, the District Food & Supplies Controller of the area concerned or any other officer/official authorized by the Director to exercise all or any of the powers of the Controller under this Order;
 - (h) "Deputy Commissioner" means the Deputy Commissioner of the District concerned;
 - (i) "Director" means the Director of Food, Civil Supplies and Consumer Affairs Himachal Pradesh and shall also include the Joint/Deputy Director of Food, Civil Supplies and Consumer Affairs of Himachal Pradesh;
 - (j) "Fair Price Shop" means a shop recognized by the specified authority for sale of any essential commodity for the time being issued on Consumer Card by the Food and Supplies Department from time to time;
 - (k) "Fair Price Shop Holder" means a retail dealer authorized under the provisions of clause 3 of this order in respect of any specified article;
 - (l) "Family" means a joint family of all persons descended from common ancestor who live, worship and mess together permanently as shown in the Parivar Register of the Panchayat but persons residing elsewhere due to their profession/business shall not be included in the family for the purpose issue of consumer card;
 - (m) "Form" means a Form appended to this Order;
 - (n) "Government" means Government of Himachal Pradesh;
 - (o) "Household" means a family unit living together in one building or in a portion of the building having a common Kitchen;
 - (p) "Institution" means a hospital, a convalescent home, a Sanatorium, an asylum, a school, a hostel providing meals and includes all other institutions of a like nature as may be specified by the Government;
 - (q) "Public Distribution Committee" means a committee constituted by the Director, by notification for the purpose of considering and recommending the names of any persons or body of persons or institutions to be a wholesaler or Fair Price Shop holder in respect of specified Articles;
 - (r) "Public Distribution System" means a system under which Specified articles are distributed to consumers against the consumer card

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through the network of fair price shops;

(s) “Quantum” means quantity of any specified article fixed by the Director for distribution against the consumer card from time to time;

(t) “Rural area” means any area or area falling within the territorial jurisdiction of a Panchayat, but doesn’t include the area falling within the any urban area;

(u) “Specified authority” means an authority who issued consumer card to the consumers for obtaining supplies of essential commodities from the fair price shop;

Explanation-1 . In Urban areas the consumer card shall be issued by the District Inspector or Inspector of the Food, Civil Supplies and Consumer Affairs Department or any officer authorized by the Controller.

Explanation-2. In Rural areas the consumer card shall be issued by the Pradhan Gram Panchayat in their respective jurisdiction and if there is no Panchayat Pradhan and the Panchayat is defunct, the consumer card shall be issued by any official /officer authorized for the purpose by the respective Controller of the District.

(v) “ Specified Article” means an essential commodity which the Director may, by notification published in the official Gazette, declare to be a specified article for the purpose of this Order;

(w) “Urban area” means an area administered by the Municipal corporation or a Municipal Council or a Cantonment Board, or a Nagar Panchayat in the State; and

(2) The words and expressions used but not defined in this order shall have the same meaning as are assigned to them in the Act.

3. Issue of authorization to wholesaler and fair price holders.

(1) With a view to regulating the distribution of any specified articles, the Controller, with the approval of the Public Distribution Committee, may authorize any person or body of persons to be a wholesaler or a fair price shop–holder in respect of such specified article(s) for the purpose of this Order, and thereupon such wholesaler or fair price shop–holder, as the case may be, shall obtain and supply specified articles(s) in accordance with the provisions of this order or any directions issued there under:

Provided that the authorization issued to the authorized wholesaler and fair price shop holder under the provisions of the Himachal Pradesh Specified Essential Commodities (Regulation and Distribution) Order, 1979 and in force immediately before the commencement of this Order shall be deemed to be an authorization issued under this clause.

Every application for an authorization shall be made in Form ‘A’ to the Controller, giving correct information asked for therein alongwith such other information or documents as may be required.

Every authorization issued under sub–clause (1) shall be in Form ‘B’ in case of wholesaler and in form ‘C’ in case of fair price shop holder. A duplicate copy shall be retained by the Controller in his office and any alteration made in such authorization shall be recorded in such authorization shall be recorded in it. The Controller shall recorded every authorizations issued by him in a register prescribed by him.

(3) Subject to any directions issued by the Director in this behalf, every application for the issue of an authorization shall be considered giving due regard to,—

(i) the need for authorized wholesaler or the fair price shop holder in the area or locality in which the business premises of the applicant are situated;

(ii) the suitability of the premises for proper storage and sale of specified articles(s);

(iii) 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 state of Himachal Pradesh;

(iv) any other factor considered relevant to the grant of an authorization under this Order.

(4) Every person applying for an authorization shall, before such authorization is issued to him, deposit the amount of authorization is specified below in the Government treasury under the appropriate head of account and also deposit the amount of security, as specified below, duly pledged to the Controller, in the manner as may be specified by him , for due performance of the terms and conditions of the authorization issued to him:—

Security Authorisation fee per annum

(i) Wholesaler 5,000–00 1000.00

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(ii) fair price shop-holder 1,000.00 200.00

(5) Authorisation shall be valid upto 31st December of the year.

(6) A separate authorization shall be necessary for each place of business.

(7) If any authorization is defaced, lost or otherwise destroyed, the Controller may on application of the wholesaler or fair price shop holder, as the case may be, and on payment of a fee of Rs. 500/- for wholesaler and Rs. 100/- in case of fair price shop holder in the Government treasury, issue a duplicate authorization.

(8) The Controller may, whether at the request of the wholesaler or fair price shop holder or uomotu, after making such inquiry as may be deemed necessary, add, amend, delete or alter the entries of the authorization relating to godowns, place of business, area of operation and the name of parties etc.

(9) An application for renewal of authorization shall be made, alongwith the authorization fee, specified in sub-clause (5) to the Controller before the expiry of the license;

Provided that the Controller may entertain an application upto 31st March, upon the payment of late fee as prescribed below:-

Wholesaler Retailer/ Sub- whole- Fair Price Shop saler. Holder.

(i) For the first 20/- 10/- Fortnight

(ii) For the Second Fortnight 30/- 15/-

(iii) For each sub- sequent fortnight. 40/- 20/-

Provided that if the authorization is not got renewed within 3 months after the expiry of the validity period i.e. upto 31st March of the year, the same shall stand cancelled and the security shall also stand forfeited to the Government. The cancellation of authorization and forfeiture of security in default of non-renewal of the authorization will not affect the right of dealer to obtain a new authorization after deposit of the usual authorization fee;

Provided further that if the authorized wholesaler/fair price shop holder discontinues his business during the validity of the authorization, he shall have to surrender his authorization to the Controller to claim the refund of the security deposits.

(10) The authorization may be renewed upto 3 years at a time on deposit of authorization fee specified in sub-clause (5).

PART- II- DISTRIBUTION AND SUPPLY OF SPECIFIED ARTICLES.

4. Supply by Wholesaler.- No wholesaler shall supply or offer or attempt to supply or cause to be supplied any specified article to any person other than a person who is a sub-wholesaler, or a fair price shop holder, or person(s) duly aurohotised by them, in this behalf against their signatures, duly attested by the sub-Divisional Magistrate or Tehsilder/Naib Tehsildar or Inspector (Food Civil Supplies and Consumer Affairs) /Inspector (Cooperative Department), in case of Cooperative institutions within his jurisdiction, or against any of the authorized document and in such quantity and at such prices as may, from time to time, be specified by the Government of Director or Controller in this behalf under and in accordance with the provisions of this Order.

5. Instructions to Authorised Wholesalers.-

(1) An authorized wholesaler shall maintain such forms and registers and submit such returns and statements as may be required by the Director and comply with such general or special directions as may be issued by the Government or the Director or the Controller concerning the manner in which and conditions subject to which any specified article may be obtained or supplied or kept.

(2) An authorized wholesaler shall obtain such quantityof specified articles as are necessary to enable him to meet the requirements of the authorized documents.

6. Supply by Fair PriceShop holder: 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 the authorized document issued by competent authority concerning and except at such quantum and prices as may be specified from time to time by the Government or Director or Controller in this behalf in accordance with the provisions of this Order.

7. Instructions to Fair Price Shop holder.-

(1) A fair price shop holder shall register consumer cards issued by the specified authority concerned in whose jurisdiction the shop is located. He may, however, register cards of other areas, if specifically permitted to do so by the Controller.

(2) A fair price shop holder shall supply specified articles only against the consumer cards registered with him or against any authorized document issued by any authority under and in accordance with the provisions of this Order.

(3) On demand and offer of price by or on behalf of the holder of the consumers card, the fair price shop holder shall supply, subject to availability, specified articles not exceeding the quantity obtainable on such consumer cards and shall make correct and true entries at the appropriate space provided in the consumer card.

(4) The fair price shop holder shall maintain a daily sale register in For 'D' and shall also obtain signatures of the consumer card holders in token of having received the specified articles so issued to him.

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- (5) On the basis of the consumer cards registered with him, the fair price shop holder shall submit indent for supply of specified articles in the manner specified by the Controller from time to time.
- (6) A fair price shop holder shall be entitled to obtain supplies of specified articles on the basis of authorised documents possessed by him, from time to time from the authorized wholesaler mentioned in such documents and by such date as may be specified therein.
- (7) A fair price shop holder shall maintain a register in "Form- "E" ; he shall register the consumer cards, and shall obtain the signatures or thumb impression of the consumer card holder in the space provided for this purpose and he shall put the serial number of registration on the consumer card.
- (8) The fair price shop holder shall maintain proper record of purchase, distribution and sale of specified articles and registration or consumer cards and other authorized documents separately for each APL, BPL and Antodaya Family, as may be specified by the Controller from time to time.
- (9) The fair price shop holder shall send a monthly statement of registered units (persons) every month to the Controller alongwith indent in such form as may be specified by the Controller.
- (10) Every fair price shop holder shall keep such records relating to the authorized documents in such manner as may be specified by the Government or Director or the Controller from time to time.
- (11) The fair price shop holder shall comply with all general or special directions given in writing from time to time by the Government or the Director or the Controller concerning the manner in which and the conditions subject to which any specified article may be obtained/supplied or kept for house-hold consumption or in connection therewith as also in connection with the maintenance of accounts, submission of reports etc.
- (12) A fair price shop holder shall not register consumer cards if the total number of units registered with him exceeds the maximum units specified by the Controller in this behalf;
Provided that the Controller may order exempt any fair price shop from the restriction imposed under this clause.
- (13) The fair price shop holder shall not keep in his possession any consumer card irrespective of the fact whether such consumer cards are registered with him or not.

8. Suspension/ cancellation of authorization and forfeiture of Security.-

- (1) The Controller, within his jurisdiction, may, at any time, whether on the request of the person to whom an authorization has been issued or on his contravention or attempt to contravene any of the provisions of this order or directions issued there under from time to time in this behalf or any term or condition of the authorization or any directions issued there under, after making such enquiry as may be necessary, without prejudice to any other action that may be taken against him to amend, suspend or cancel the authorization issued under clause-3 of this order.
- (2) Without prejudice to any action that may be taken under sub-clause (1) in respect of contravention of any of the provisions of this Order, the Controller, within his jurisdiction the Controller, within his jurisdiction may forfeit the whole or part of the security deposited under sub-clause (5) of clause 3 of this order and thereupon the authorized wholesaler or the fair price shops holder whose security has been so forfeited, shall forthwith deposit an amount equivalent to the sum forfeited so as to make up the deficiency good in the amount of security;
Provided that where an authorized wholesaler or fair price shop holder is exempted from deposit of the security under clause 16, the Officer concerned, may, impose penalty of a sum not exceeding the security deposit prescribed for such authorization under sub-clause (5) of clause 3 of this Order;

Provided further that before passing any Order under sub-clause (1) or sub-clause (2), the Controller shall give a reasonable opportunity of being heard to the party concerned;

Provided further that where an enquiry is pending against authorized wholesaler or fair price shop holder, and it is considered necessary to suspend the authorization, the authority concerned, on satisfaction, shall suspend the authorization for the period not exceeding three months.

- (3) Where an authorized wholesaler or a fair price shop holder has been convicted by a court of law for the contravention of this Order or any other order issued under section 3 of the Act, the Controller shall, by order, in writing, cancel his authorization;

Provided that where such conviction is set aside in appeal or revision, the Controller, on an application by the person whose authorization has been cancelled, may re-issue the authorization to such person.

9. Termination of authorization.

- (1) Notwithstanding anything contained in this Order, the Controller may with the approval of the Public Distribution Committee, at any time, terminate the authorization by giving one month's notice in writing to the person(s) to whom an authorization has been issued under this order and then the authorization shall cease to be effective upon expiry of the period of such notice.
- (2) It shall be open to the person holding an authorization issued under this order to relinquish his authorization by giving one month's notice, in writing, to the Controller and then the authorization shall cease to be effective upon receipt of intimation, by such person from the Controller, of the termination of his authorization;

Provided that the liability of the person holding the authorization shall not cease until the stock of specified articles and records of

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authorized documents have been taken from him by the person specified by the Controller.

PART-III-AUTHORISED DOCUMENTS.

10. Procedure for obtaining consumer cards.

(1) Any person permanently residing or intending to reside permanently may apply to the specified authority in Form "F" for issue of a consumer card. The Form 'F' shall be supplied by the specified authority to any person at free of cost.

(2) The specified authority may, before issuing a consumer card in Form 'C' make or cause to be made such enquiry, as he may deem fit, for verification of the information furnished by the applicant;

Provided that no consumer card may be issued unless the information furnished in Form 'F' by the applicant has been verified, by the Secretary of the Panchayat concerned on the basis of entries recorded in Pariwar Register in rural areas and; by the ward Member or /Secretary or Executive Officer of the local body or Inspector, Food, Civil Supplies & Consumer Affairs within their respective jurisdiction in Urban area, or; by the Head of office/controlling officer in case of the employees of the Government/Semi-Govt./public under-takings.

(3) Every person applying for the issue of a consumer card shall, before such card is issued to him, deposit a fee of rupees five with the specified authority. The specified authority shall deposit the fees collected under this clause into the Government Treasury under the appropriate head of account.

(4) On the application to be submitted to the specified authority by a person who has no fixed or identifiable place of dwelling on payment of fee as specified in sub-clause (3), a temporary consumer card in Form-G/1 may be issued which shall be stamped with the word 'Temporary' and shall be valid only for the purpose of drawal of kerosene oil only from the fair price shop catering to the demands of the area/place where such person temporarily resides. Such consumer cards may be issued for a period not exceeding six months at a time. Similar temporary consumer cards may be issued to the migratories for a period not exceeding three months at a time in the above manner.

(5) If a consumer card has been lost, defaced or damaged, the holder thereof may apply to the specified authority for duplicate consumer card and such application shall be accompanied by a fee as specified in sub-clause (3). The specified authority may, after making such enquiry as he deems fit, issue a duplicate consumer card.

(6) In the case of death of any member of the family entered in the Consumer Card, the holder of the consumer card or any other member of his family shall inform in writing to the specified authority in which he is residing and shall present the consumer card before him for deletion of the name of such person from the consumer card. No consumer card holder shall draw or obtain or cause to be drawn or obtain or cause to be drawn or obtained any specified articles in respect of such a person irrespective of the fact whether or not the name of such person has been deleted from his consumer card;

Provided that in case of the death of the consumer cardholder, the specified authority shall issue a fresh card after charging the fee as specified in sub-clause (3).

(7) Except as otherwise provided in this order, the consumer card shall be valid for a maximum period of five years.

(8) In the case of a change in address, an application for amendment shall be made to the specified authority which, after satisfying himself, may make amendment in the consumer card enabling the consumer card holder to draw the specified articles from the fair price shop concerned.

(9) The specified authority shall maintain a register in Form 'H' showing the name and address and the number of members for which consumer card is issued. He shall also maintain proper account of the fee or other payments deposited/ paid in compliance of the provisions of this Order.

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

(11) No consumer cardholder shall keep or allow keeping his consumer card with any of the Fair Price shop Holders.

(12) No holder of a consumer card or his agent or servant or any other person on his behalf shall contravene any of the provisions of this order or conditions of the consumer card, then, without prejudice to any other action that may be taken against him, his consumer card shall be suspended or cancelled by order, in writing by any officer/official of the Food, Civil Supplies & Consumer Affairs Department not below the rank of a controller;

(13) No person, other than those who have obtained specified articles from the fair price shop against any of the authorized documents in accordance with the provisions of this Order, shall possess or store or hold any specified articles.

(14) No person, firm, association or printing press etc., shall make or cause to be made or cause to be printed prescribed Form of consumer card without an order, in writing, from the Director, and every Form of the consumer card, so printed, shall be numbered consecutively in accordance with his direction.

(15) The specified authority in relation to rural area shall obtain printed application and consumer cards Forms from the Controller on payment of the cost of such Forms as specified in this clause. Out of the fee of the consumer card so realized 20% shall be reimbursed to the Panchayats as service charges for preparation of the consumer cards.

11. Procedure for obtaining supplies against Consumer Cards.-

The consumer card holder may register himself with any of the fair price shop functioning in the concerned locality for obtaining supplies of specified articles against such card:

Provided that the Controller may, where deemed necessary in the interest on the smooth functioning of the Public Distribution System,

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by order, direct any consumer card holder to register himself with any particular fair price shop within his area.

12. Power to issue authorised documents.–

(1) With a view to regulating the distribution of any specified article, the Controller, may issue or cause to be issued authorised documents to any person or class of persons or institution 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 their impression in token of receipt of such document as required by the officer delivering such documents.

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

(3) Subject to any directions issued in this behalf by the Government or the Director or the Controller or any other officer authorised by the Director, may issue special permits for issue of any of the specified articles(s) under this Order to any person or class of persons who do not reside or intend to reside permanently in the area or areas concerned for obtaining supply of any such article for such period and for such quantity and from such period and for such quantity and from such source as may be specified therein.

13. Validity of authorised documents.–

(1) No person shall transfer any authorised document issued to him under the provisions of this order or any specified article obtained against any such authorised document without prior permission, in writing, of the Director or the Controller, or any other Officer authorised by the Government.

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

(3) When any person is in possession of an authorised document in contravention of this order, he shall forthwith deliver the same to the specified authority concerned.

(4) No person shall without lawful authority alter any entry in the authorised document. If the holder of authorised document finds that some other person has, without lawful authority, 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 specified authority concerned in writing.

(5) Where any authorised document is required to be cancelled under or for the purpose of this order, it shall be cancelled forthwith by the specified authority, and thereupon it shall cease to operate.

PART-IV-MISCELLANEOUS.

14. Power to call for information and records.–

Every authorised wholesaler or fair price shop holder, as the case may be, when so required by general or special directions by the Controller in this behalf shall:–

- (a) deliver to him all authorised documents and other records surrendered or given to him under or for the purpose of this order; and
- (b) furnish such particulars, accounts and information relating to his dealings in and stocks of specified articles as may be required.

EXPLANATIONS: For the purposes of this clause an authorised wholesaler or fair price shop holder includes a dealer whose authorization has been suspended or cancelled.

15. Power to authorize supply and distribution of specified articles otherwise than by means of authorised documents.–

Notwithstanding any other provisions of this order, Government may authorize the supply or disposal of any specified article otherwise than on the authorised documents.

16. Exemption. – The Government may, by General or special order and subject to such conditions or restrictions as may be specified in such order, exempt any person or class of persons or any cooperative societies from the operation of all or any of the provisions of this order and may, at any time, suspend or rescind any such exemption.

17. Appeals.–

(1) Any person aggrieved by an order, made by the Controller or specified authority may appeal within thirty days from the receipt of the orders to;

(i) The Controller, where the order has been made by specified authority within his jurisdiction;

(ii) The Director where the order has been passed by Controller;

(iii) The Secretary (Food, Civil Supplies & Consumer Affairs) the Government of Himachal Pradesh where the order has been passed by the Director;

Provided that the appellant authority, for reasons to be reduced in writing, may entertain an appeal after expiry of 30 days, if he is satisfied that the appellant was prevented from filing the same within the stipulated period of 30 days for the reasons explained in the application which were beyond the control of the appellant;

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- (2) Every appeal shall be filed in duplicate and shall be accompanied by an attested copy of the order appealed against;
- (3) Pending disposal or the appeal, the appellate authority may direct that the order against which the appeal is made shall not take effect until the appeal is disposed of.

18. Revision:—

(1) The Director may, of his own motion or on an application, call for the record of any case decided by the Controller or specified authority under the provisions of this order and if he is satisfied that the Controller or specified authority:—

- (i) has exercised the jurisdiction not vested in him or it; or
- (ii) has exercised the jurisdiction vested in him or it, with material irregularity, or
- (iii) has improperly failed to exercise the jurisdiction vested in him or it; he may pass such order as he thinks fit.

(2) No order shall be passed under this clause, which adversely affects any person unless such person has been given a reasonable opportunity of being heard;

19. Powers to enter and inspect premises, require information, check accounts and seize articles etc.

(1) The Director or Deputy Commissioner or the Controller or any Magistrate or any Officer of the Food, Civil Supplies & Consumer Affairs Department not below the rank of Inspector or any other Officer, if specifically authorised by the Director in this behalf, within his jurisdiction, may, in order to secure the compliance of this order or to—satisfy himself that this order has been complied with and with such assistance as deems fit, may,

(a) inspect any stocks of specified articles, books, accounts or other documents pertaining to specified articles and for the purpose of such inspection, enter and, if necessary, break—open or seal any premises used— or believe to be used for the sale or distribution or storage of any specified articles;

(b) direct any person to make any statement or furnish any information or produce any document or articles in his possession or under his control relating to the purchase, sale, distribution or storage of any specified articles any person so required shall comply with such directions;

(c) Direct any person to render any 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 articles and any person so required shall comply with such directions;

(d) seize any books of accounts and documents, which in his opinion, may be useful for or relevant to, any proceedings under this order and the person from whose custody such books of or documents are seized shall be entitled to make copies thereof or to take extents there from in the presence of any officer having he custody of such books of accounts or documents;

(e) test or cause to be tested the correctness of any Weights and Measures used or believed to be used in any transaction relating to the sale or distribution of any specified articles;

(f) take or cause to be taken the Weights 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 or for analysis;

(h) require the owner, occupier or the person incharge of any place, premises , vehicle or vessel or animal in which he has a reason to believe that any contravention of the provisions of this order has been or is being or is about to be made, to produce any books of accounts or documents showing transactions relating to such contravention;

(i) search, seize and remove stocks of specified articles alongwith the package, covering or receptacles in which such stock is found, if he has reasons to believe that any provisions of this order has been or is being or is about to be contravened in respect of such stock or any part thereof, and any also search, seize and reserve the animals, vehicles, cessels or other conveyance used in carrying the said specified articles in contravention or the provisions of this order;

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

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

20. Repeal and Savings. (1) The Himachal Pradesh Specified Essential Commodities (Regulation and Distribution) Order, 1979 is hereby repealed.

(2) Notwithstanding such repeal, anything done or suffered there under or any right, privilege, obligation or liability acquired, accorded or incurred under the Orders so repealed under sub—clause (1) supra, or any penalty, forfeiture of punishment incurred or imposed in respect of any offence committed under the said order or any investigation, legal proceedings or remedy in respect of such right, privilege, colligation, lisoility, penalty, forfeiture or punishment as aforesaid and any such investigation, legal proceedings or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the said Order had not been repelled.