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NOTIFICATIONS BY GOVERNMENT

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NOTIFICATIONS BY GOVERNMENT

CO-OPERATION, FOOD AND CONSUMER PROTECTION DEPARTMENT

Amendments to the Tamil Nadu Kerosene (Regulation of Trade) Order.

[G.O.Ms. No.43, Co-operation, Food and Consumer Protection (C2), 16th March 2017, பங்குனி 3,
சூன்முகி, திருவள்ளூர் ஆண்டு-2048.]

No.II(1)/CFCP/12/2017.

In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) read with the Government of India, Ministry of Mines and Fuel Order S.O.No.3524, dated the 13th November 1962, the Governor of Tamil Nadu hereby makes the following amendments to the Tamil Nadu Kerosene (Regulation of Trade) Order, 1973:-

AMENDMENTS

In the said Order,-

(1) in clause 2, for sub-clause (f), the following sub-clause shall be substituted, namely:-

“(f) ‘Commissioner’ means the Commissioner of Civil Supplies, Chennai”;

(2) in clause 18, -

(i) in sub-clauses (1) and (2), for the expression “Joint Commissioner of Civil Supplies”, the expression “Joint Commissioner of Civil Supplies, Additional Commissioner of Civil Supplies” shall be substituted;

(ii) in sub-clause (3), after the expression “Collector”, the expression “Joint Commissioner of Civil Supplies, Additional Commissioner of Civil Supplies” shall be inserted;

(3) in clause 19, in sub-clause (1), for the expression “Joint Commissioner of Civil Supplies”, the expression “Joint Commissioner of Civil Supplies, Additional Commissioner of Civil Supplies” shall be substituted;

(4) in clause 20, in sub-clause (2), for the expression “Joint Commissioner of Civil Supplies”, the expression “Joint Commissioner of Civil Supplies, Additional Commissioner of Civil Supplies” shall be substituted;

(5) in clause 21, for the expression “Joint Commissioner of Civil Supplies”, the expression “Joint Commissioner of Civil Supplies, Additional Commissioner of Civil Supplies” shall be substituted;

(6) in clause 22, for the expression “Joint Commissioner of Civil Supplies”, the expression “Joint Commissioner of Civil Supplies, Additional Commissioner of Civil Supplies” shall be substituted;

(7) in clause 23,-

(i) for the marginal heading, the following marginal heading shall be substituted, namely:-

“Forfeiture of Security Deposit or Imposition of Fine or Suspension or Cancellation of Licence”;

(ii) for sub-clause (1), the following sub-clause shall be substituted, namely:-

“(1) (a) Without prejudice to the provisions of clause 27, if the licensing authority, District Revenue Officer, Deputy Commissioner of Civil Supplies, Joint Commissioner of Civil Supplies or Additional Commissioner of Civil Supplies or Commissioner of Civil Supplies has reason to believe that any dealer has contravened any of the conditions of the licence or registration certificate or statutory order and that a forfeiture of the security deposit or imposition of fine or suspension or cancellation of licence is called for, he may, after giving the dealer a reasonable opportunity to defend his case in writing against the proposed action, by an order, forfeit the whole or any part of the security deposit remitted by him or suspend or cancel the licence issued to the dealer, for the offence with reference to the nature of the offence committed by the dealer as specified in the Table below and copy of such order in writing shall be communicated to the dealer concerned. Such punishment shall also be entered on the licence of the dealer and in the licence register being maintained by the licensing authorities immediately on passing of such order.

THE TABLE

Sl.No. (1)	Nature of irregularity (2)	Penal Action (3)		
		1st offence	2nd offence	3rd offence
1.	Non-observance of Government regulations, operating guidelines and instructions on sale and distribution of Superior Kerosene Oil.	Forfeiture of Rs.5000/- from Security Deposit remitted by kerosene wholesaler and suspension of licence for 15 days.	Forfeiture of entire Security Deposit remitted by kerosene wholesaler and suspension of licence for 30 days.	Cancellation of wholesale licence.
2.	Over charging.	Forfeiture of Rs.5000/- from Security Deposit remitted by kerosene wholesaler and suspension of licence for 15 days.	Forfeiture of entire Security Deposit remitted by kerosene wholesaler and suspension of licence for 30 days.	Cancellation of wholesale licence.
3.	(a) Short delivery of products (Weight and Measurements seals intact).	Sales and supplies should be suspended from dispensing till re-calibration is carried out by Weight and Measurements Department in the presence of the officer of the Oil Company and Civil Supplies Department.		
	(b) Short Delivery of products (Weights and Measures seals tampered).	Cancellation of wholesale licence (irrespective of delivery being short or correct or excess).	---	---
	(c) Totaliser seals found tampered with (Penal action as applicable for Weights and Measures seals tampered).	Cancellation of wholesale licence (irrespective of delivery being short or correct or excess).	---	---
4.	Unauthorised purchase or sale or exchange of Superior Kerosene Oil or any product which could be used as a substitute for this product, including diversion of products in transit from oil terminal to wholesale point to Fair Price Shops whenever delivery is made by dealer.	Cancellation of wholesale licence.	---	---
5.	Stock variation between physical stock and book stock beyond permissible limits.	Cancellation of wholesale licence.	---	---

(b) The licensee shall remit the fine amount or forfeiture of the Security Deposit as ordered by the Licensing Authority or District Revenue Officer or Deputy Commissioner of Civil Supplies or Joint Commissioner of Civil Supplies or Additional Commissioner Civil Supplies or Commissioner of Civil Supplies or Government within 7 days from the date of receipt of the orders unless or otherwise such orders are stayed by the appellate authority on petition from the wholesaler or retailer. If the dealer fails to remit the fine amount within the period specified above, such amount shall be adjusted from the Security Deposit remitted by the dealer and the licence shall automatically become invalid for falling short of Security Deposit.”;

(8) in clause 24,-

(i) in sub-clause (1), for the expression “Joint Commissioner of Civil Supplies and Consumer Protection”, the expression “Joint Commissioner of Civil Supplies, Additional Commissioner of Civil Supplies” shall be substituted;

(ii) in sub-clause (2), for the expression “Joint Commissioner of Civil Supplies”, the expression “Joint Commissioner of Civil Supplies, Additional Commissioner of Civil Supplies” shall be substituted;

(9) in clause 25, for the expression “Commissioner”, the expression “Commissioner or Additional Commissioner of Civil Supplies” shall be substituted;

(10) in clause 27, in sub-clause (1),-

(a) after the expression “within their respective jurisdiction”, the expression “and such appeal petition shall be disposed of within 90 days from the date of its receipt” shall be added;

(b) in the Tabular column,-

(i) against the entry “(e) The Deputy Commissioner of Civil Supplies (City) and Collectors” in column (i), after the expression “The Commissioner of Civil Supplies” in column (ii) thereof, the expression “or Additional Commissioner of Civil Supplies” shall be inserted;

(ii) in column (i), in entry (f), after the expression “Joint Commissioner of Civil Supplies”, the expression “or Additional Commissioner of Civil Supplies” shall be inserted.

PRADEEP YADAV,
Principal Secretary to Government.

REVENUE DEPARTMENT

Modification to Notification under the Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act.

[G.O.Ms. No.79, Revenue [SS.1(2)], 23rd March 2017.]

No. II(1)/REV/13/2017.

In exercise of the powers conferred by sub-section (5) of Section 1 of the Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963 (Tamil Nadu Act 26 of 1963), the Governor of Tamil Nadu hereby makes the following modification to the Revenue Department Notification II-1 No 1061 of 1965, published at pages 1 to 6 of Part II—Section 1 of the *Fort St. George Gazette* Extraordinary, dated the 15th March, 1965.

MODIFICATION

In the said Notification, in the Schedule, in column (3), against the entry “Salem” in Column (1) and against the entry “Hosur” in column (2), the entry “31 Bairasandiram” shall be omitted.

[G.O.Ms. No.80, Revenue [SS.1(2)], 23rd March 2017.]

No. II(1)/REV/14/2017.—

In exercise of the powers conferred by sub-section (5) of Section 1 of the Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963 (Tamil Nadu Act 26/1963), the Governor of Tamil Nadu hereby makes the following modification to the Revenue Department Notification II-1 No. 1431 of 1965, published at pages 588 to 593 of Part II—Section 1 of the *Fort St. George Gazette*, dated the 31st March, 1965.

MODIFICATION

In the said Notification, in the Schedule, in column (3), against the entry “Salem” in column (1) and against the entry “Hosur” in column (2), the entries “6 Elasandiram “and” 27 Marasandiram” shall be omitted.

CHANDRA MOHAN, B.
Secretary to Government.