



The Mizoram Gazette

EXTRA-ORDINARY

Published by Authority

Vol. III. Aizawl, Thursday 18, April, 1974, Chaitra 28, S.E. 1896 Issue No. 4F.

NOTIFICATION

No. STM. 9/74/1, the 18th. April, 1974. In exercise of powers conferred by section 3(2) (e) of the essential commodities Act, 1955 (No. x of 1955) read with Sec 5. and Government of India notification, nos. SO 2314 dated 30. 7. 66 and S.O. 1844 dt. 18. 6. 66 the Lieutenant Governor (Administrator) of Mizoram is pleased to make the following orders, namely :—

THE MIZORAM TYRE (DEALER LICENSING AND PRICE CONTROL) ORDER 1974.

1. Short title, extent and commencement :— (1) This order may be called the Mizoram Tyre (Dealer Licensing and Price Control) order 1974.
2. It extends to the whole of the Union Territory of Mizoram.
3. It shall come into force from the date of its publication in the Mizoram Gazette.
2. DEFINITION : In this order unless the context otherwise requires :—
 - (a) “dealer” means a person engaged in the business of purchase, sale or storage for sale of Tyre in quantities exceeding five numbers at any one time, whether wholesale or retail and whether in conjunction with any other business or not and includes his representative or agent.
 - (b) “Form” means a form set forth in this schedule to this order.
 - (c) “Government” means the Government of the Union Territory of Mizoram.
 - (d) “Licensing Authority” means the Director of Supply and Transport, Mizoram or any other officer appointed by the Administrator to exercise the powers and perform the duties of the Licensing Authority under this order.

- (e) "Tyre" means any variety of tyre manufactured in India and includes.
- (i) Tyres and tubes of scooters (including scooter-rickshaws and auto-rickshaws).
 - (ii) Tyres and tubes of cars, buses, jeeps, vans, trucks, automobiles of any other category whatsoever, tractors and tractor trolleys.

3. **DECLARATION OF STOCK :** On the commencement of this order every dealer as defined in this order shall submit a return of the stock of tyres existing with him or with his agent or representative on that date.

4. **LICENSING OF DEALERS :** (1) No person shall carry on business as Dealer except under and in accordance with the terms and conditions of a Licence issued in this behalf by the Licensing Authority. (2) A separate licence shall be necessary for each place of business. (3) For the purpose of sub-clause (1) and (2) of this Clause, any person who stored tyre in any quantity exceeding five numbers at any one time shall, unless the contrary is proved be deemed to store the tyre for the purpose of sale, provided that any consumer requiring tyre exceeding three numbers at a time, shall apply in Form 'D' to the Licensing Authority or any other Officer authorised to do so for obtaining a storage permit in Form 'E'.

Provided that nothing in this clause shall apply for any department under the Government of Mizoram.

5. **ISSUE OF LICENCE :—** (1) Every application for a Licence of renewal thereof shall be made to the Licensing Authority in Form 'A'. (2) Every Licence issued or renewed under this order shall be in Form 'B' and shall be subject to the conditions specified therein.

6. **PERIOD OF LICENCE AND FEES CHARGEABLE :—** (1) Every Licence issued under this order shall be valid from the date of issue to the 31st December of the year in which the licence has been issued and may thereafter be renewed for a further period of one year at a time.

(2) The fees specified below shall be chargeable in respect of each licence, namely :—

For issue of licence	— Rs. 100 00
For renewal of licence	— Rs. 50.00
For issue of duplicate licence.	— Rs. 50.00

7. **POWER TO REFUSE LICENCE .—** The licencing Authority may after giving the dealer concerned an opportunity of stating his case in writing and for reasons to be recorded in writing refuse to grant or renew a licence.

8. CONTRAVENTION OF CONDITIONS OF LICENCE:— (1) Every licensed dealers shall submit returns to the Licensing Authority in Form 'C' and shall further submit such reports and returns as may be required by the said Authority.

(2) No holder of a licence issued under this order shall controvene any of the terms or conditions of the Licence and if any such holder contravenes any of the said terms or condition, then without prejudice to any other action that may be taken, against him his Licence may be cancelled or suspended by order, in writing of the Licensing Authority.

Provided that no order shall be made under this clause unless the Licence has been giving an opportunity of stating his case in writing against the proposed cancellation or suspension.

9. FIXATION OF PRICE:—(1) After the commencement of this order every dealer on receipt of any consignment of stock shall submit to the Licensing Authority all documents concerning the consignment for the fixation of price by the Licensing Authority.

(2) No dealer shall sell or otherwise dispose of any item unless the price for the same is fixed by the Licensing Authority under clause 9 (1)

10. PERMITS:— No dealer shall sell or otherwise dispose of tyre to any persons, society or body except at the price fixed under clause 9 and except under in accordance with a permit issued by the Licensing Authority in form 'E.

11. LIST OF ARTICLES AND THEIR PRICE TO BE DISPLAYED:—

Every dealer shall cause to be permanently displayed on a special board to be maintained for this purpose at on near the entrance to the place of sale:—

(a) A list of articles and the quantity held by him from time to time in his stock for ready delivery or sale.

(b) The price at which they shall be sold.

12. APPEAL: (1) Any person aggrieved by any order of the Licensing Authority refusing to issue or renew a licence or cancelling or suspending a licence under the provision of this order may appeal to the Administrator within 30 days of the date of the receipt by him of such order.

(2) No order shall be passed in appeal unless the aggrieved person has been given and appportunity of stating his case in writing.

13. POWERS OF ENTRY, SEARCH, SEIZURE ETC : (1) The Licensing Authority or any Supply Officer not below the rank of Sub-Inspector of Supply or any other officer authorised by the Administrator in this behalf may, with such assistance, if any as he think-fit.

(a) required the owner, occupier or any other person in charge of any place, premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this order or of the conditions of any licence issued there under has been, is being, or is about to be committed, to produce any books, accounts or other documents showing transaction relating to such contraventions :

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

(c) take or cause to be taken, extract from or copies of any documents showing transaction relating to such contraventions which are produced before him

(d) search, seize and remove stocks of tyre and animals, vehicles, vessel or order conveyance used in carrying the said tyres in contravention of the provision of this order, or of the conditions of the licences issued thereunder and thereafter take or authorised the taking of all measures necessary for securing the production of stocks of tyres and to the animals, vehicles, vessel or other conveyances so seized, in a Court and for there safe custody pending such production :

(2) The provisions of Section 102 and 103 of the code of Criminal procedure, 1898, as applicable to the Union Territory under the Administration of Justice Rules relating to search and seizure shall so far as may be, apply to searches and seizure under these clause.

14. PROHIBITION AGAINST WITH HOLDING FROM SALE : - No dealer having stock of tyres shall withhold it from sale.

15. COMPLIANCE OF ORDERS : - Every dealer or other person to whom any order or direction is issued under any power conferred by or under this order, shall comply with such order or direction.

Baleshwar Rai
Secretary to the Government of Mizoram,
Supply & Transport Department

FORM 'A'

Application for Licence Under the Mizoram Tyre Dealer's Licensing Order, 1973.

1. Applicant's name :
2. Applicant's profession :
3. Applicant's address :
4. Situation of applicant's place or places of business with particulars as to number of houses, Mohalla, town or village, Police Station and District.
5. How long the applicant has been trading in Tyre
6. Did the applicant hold a Tyre Licence or any previous occasion ?
(If so, give particulars including its suspension or cancellation, if any).
7. Quantities of Tyre handled annually during the last three years.
8. Income-tax, Mizoram Finance Tax paid in the two years preceeding the year of application (to be indicated separately).
 - (i)
 - (ii)

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

I declared that the quantities of Tyre specified above are in my possession this day and are held at the places noted against them. I have carefully read the conditions of the Licence given in Form 'B' appended to the Mizoram Tyre Dealer's Licensing Order, 1973, and I agree to abide by them.

(a) I have not previously applied for a licence in this District under this Order.

(b) I applied for such Licence in this District for . . . on . . . and was/was not granted a licence on

(c) I hereby apply for renewal of Licence No date issued to me on Strike of the clause not applicable.

Place :—

Date :—

Signature of the applicant.

FORM 'B'

UNDER THE MIZORAM TYRE DEALER'S LICENSING ORDER, 1973

Licence for purchase, sale or storage of Tyre for sale.

1. Subject to the provisions of the Mizoram Tyre Dealer's Licensing Order 1973 and to the terms and conditions of this Licence

- is Rs. are hereby authorised, purchase sell or store Tyre for sale.
2. The licences shall carry on the aforesaid business at the following place :—
 3. (i) The licensee shall maintained a register of daily account for Tyre showing correctly :
 - (a) the opening stock on each day :
 - (b) the quantities received on each day showing the place from where and the source from which received.
 - (c) the closing stock in each day.
 - (ii) The licenses shall complete his accounts for each day on the day to which they relate, unless prevented by reasonable cause the burden of proving which shall be upon him.
 - (iii) Separate registers should be maintained for each kind of tyre dealt in by him.
 4. The licensee shall submit to the Licensing Authority true return in Form C. of the stock, receipts and deliveries of each of the categories of tyre every fortnight (1st to 15th and 16th to end of the month) so as to reach him within five days after the close of the fortnight.
 5. The Licensee shall issue to every customers a correct receipt of invoice as the case may be, giving his own name, address and licence number, the name address, the licence number (if any of the customer, the date of transaction, the quantity sold, the price per tyre and the total amount charged and shall keep a duplicate of the same to be available for inspection on demand by the Licensing authority or any other Officer authorised by him in this behalf.
 6. The licensee shall give all facilities at all reasonable time to the Licensing authority or any Officer authorised by the Government for the inspection of his stocks and accounts at any shop, godown or other place used by him for the storage sale or purchase of tyre and for the taking samples of tyre for examination.
 7. The licensee shall comply with any direction that may be given to him by the Government of the Licensing authority in regard to purchase, sale and storage for sale, of tyre and in regard to the language in which the register, returns receipts or invoice mentioned in paragraphs 3, 4, or 5 shall be written and the authentication and maintenance of register mentioned in paragraph 3.
 8. This licence shall be attached to any application for renewal.
 9. This licence shall be valid upto

Date :—

Signature of the Licensing Authority.

FORM 'C'

Return of stocks, receipts and sales of tyre for the fortnight under the Mizoram Tyre Dealers's Licensing Order, 1973 ending 197

Name of the dealer

No. of licence

Address

Particulars of godowns where stock held and quantity in stock in respect of each quantity of tyre in stock in numbers. Particulars of godowns Quantity in stock/ numbers Remarks, if any.

1.
2.
3.

1. Stock at the beginning of the fortnight—

- (a) actually with the licensee numbers
(b) pledged with any person or institution such as a bank or Co-operative Society numbers.
Total numbers)

2. Quantity purchased during the fortnight—

Name of Factory from whom purchased Quantity (in numbers)

(i)

(ii)

(iii)

(iv)

Total

3. Quantity received out of quantity purchased

From (Name of Factory) Quantity (in numbers) date of purchase.

Quantity sold

(a) Quantity sold/and delivered/removed/transfer during the fortnight (numbers)

(b) Quantity sold but not yet delivered

Total sold Numbers

Total otherwise disposed of numbers.

5. Stock at the end of the fortnight

(a) actually with the licensee

(i) unsold

(ii) sold but awaiting delivery

(b) pledged with any other person or institution such as bank or a Co-operative Society

To.

1. Licensing authority
Place

Total

District.

Signature.

FORM 'D'

Application for storage permit of tyre under the Mizoram Tyre Dealer's Licensing Order, 1973.

1. Name of the applicant

2. Address

3. Purpose of storage

4. No. of vehicles and types owned by the applicant and quantity of Tyre proposed to be stored.

5. Place where to be stored

6. Period for which storage is required

I declared that the above storage permit is sought for my personal consumption of tyre for maintenance of my own vehicles etc., and not for sale or disposal otherwise. If anything to the contrary is proved, I shall be liable to prosecution as, provided by law.

(Signature of the applicant)

FORM 'E'

Permit for storage of Tyre by Consumer under the Mizoram Tyre Dealers Licen-
Order, 1973.

1. Name of the Consumer and address :
2. Quantity permitted to be stored in District, Police Station, Village Post Office,
etc.
3. Period upto which storage is allowed :

Signature of the applicant

FORM 'E'

GOVERNMENT OF MIZORAM SUPPLY AND TRANSPORT DEPARTMENT.

No.

SPECIAL PERMIT :

To.

M/S
.

Please supply Numbers of Tyre to
on cash payment. This permit is valid for three days from the date
of issue.

Aizawl the 197

Director of Supply and Transport,
Mizoram, Aizawl.