
ANDHRA PRADESH PETROLEUM PRODUCTS(LICENSING AND REGULATION OF SUPPLIES) ORDER, 1980

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ANDHRA PRADESH PETROLEUM PRODUCTS(LICENSING AND REGULATION OF SUPPLIES) ORDER, 1980

Whereas the State Government are of the opinion that for maintaining the supplies of the petroleum products and for securing their equitable distribution at reasonable prices it is necessary and expedient to provide for the licensing of trade and regulation of supplies of the petroleum products. Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) read with the notification of the Government of India, Ministry of Industry and Civil Supplies dated the 30th November, 1974, and with the prior concurrence of Government of India, the Governor of Andhra Pradesh hereby makes the following Order, namely:-

1. Short title, extent and commencement :-

- (i) This order may be called the Andhra Pradesh Petroleum Products (Licensing and Regulation of Supplies) Order, 1980.
- (ii) It extends to the whole of the State of Andhra Pradesh.
- (iii) It shall come into force on 1st November, 1980.

2. Definitions :-

In this order unless the context otherwise requires:-

- (a) Petroleum Products means Kerosene, Motor-Spirit, High Speed Diesel Oil, Light Diesel Oil, Liquefied Petroleum Gas and Bitumen.
- (b) Kerosene , Motor Spirit and Diesel Oil shall have the meanings assigned to them in the first schedule of the Central Excise and Salt Act, 1944 (Act 1 of 1944).
- (c) Liquefied Petroleum Gas means one of the petroleum products used as fuel.
- (d) Government means the Government of Andhra Pradesh.
- (e) Commissioner means the Commissioner of Civil Supplies and includes the Director of Civil Supplies.
- (f) Collector means the District Collector or the Joint Collector of the District and the Chief Rationing Officer, Hyderabad so far as twin-

cities of Hyderabad and Secunderabad are concerned.

(g) Dealer means a person engaged in the business of purchase, sale or storage, for sale of the petroleum products and includes his representative, agent and servants or any other person acting on his behalf and also a hawker but does not include an Oil Company.

(h) form means a form appended to this Order.

(i) Oil Company means any oil company specified below:

(i) Indian Oil Corporation Limited,

(ii) Bharat Petroleum Corporation Limited,

(iii) Hindustan Petroleum Corporation Limited,

(iv) The Indo-Burma Petroleum Company Limited,

(v) Domestic Gas Private Limited.

(j) Licensing Authority means the Collector or any other Officer authorised by the Collector to this behalf.

(k) Supply Card means any card, permit coupon or document issued under the provisions of this Order for obtaining supplies of the petroleum products.

(l) Whole-saler means a person who obtains petroleum products from an oil company or another wholesaler for sale to retailers.

(m) Retailer means a person who obtains petroleum products from the wholesaler or an oil company for sale to the general public. (n)

Hawker means a person who carries kerosene only and not any other petroleum products from place to place, for sale in small quantities not exceeding two hundred litres at a time and who shall sell kerosene not exceeding ten liters per person.

3. Licensing of Dealer :-

(1) No person shall carry on the business of the petroleum products except under and in accordance with the terms and conditions of a licence issued in this behalf by the licensing authority. Provided that any person who is doing business as a dealer at the commencement of this Order may obtain the licence before the 1st February, 1981.

Provided further that the wholesale and its retail licences obtained in respect of kerosene under the A.P. Kerosene (Licensing and

Distribution) Order, 1965 shall be valid upto 31st March, 1981 and a fresh licence shall be obtained under this Order before the 31st March, 1981.

Provided also that no person dealing in Motor Spirit, High Speed Diesel and Light Diesel Oil shall be granted licence to deal in Kerosene.

(2) A dealer shall be required to have a separate licence for each place of his business.

(3) For the purpose of this clause any person who stores kerosene in any quantity exceeding a hecto litre (100 litres) or 200 litres or more of High Speed Diesel Oil/Light Diesel Oil or LP Gas in excess of 7 Cylinders of 14.2 Kg., each at any one time shall unless the contrary is proved, be deemed to store the Kerosene or High Speed Diesel Oil, Light Diesel Oil or LP Gas for the purpose of sale as a dealer.

(4) The State and Central Government Departments and their undertakings are exempted from obtaining licences for storing LP Gas in excess of 7 cylinders of 14.2 Kgs., each.

4. Issue of Licence :-

(1) Every application for issue or reissue of a licence or renewal thereof shall be made to the licensing authority in Form A .

(2) Every licence issued, re-issued or renewed under this order shall be in Form B in respect of a wholesale or retail dealer and in Form BB in respect of a hawker.

5. Period of Licence and fees chargeable :-

(1) Every licence granted under this Order shall be valid for a period ending the 31st December of the year in which it is granted and may be renewed for a period of one year or for a period of three years at a time, if an application for the renewal of a licence for a period of one year or three years, as the case may be, is made before the expiry of the period of its validity. (1.A) The licence may be renewed if the application for renewal is received within one month after the expiry of the period of its validity subject to payment of the fee prescribed therefor.

(2) The holder of a licence may obtain from the licensing authority a duplicate of the licence issued to him if the original is lost,

destroyed or defaced.

(3) The fees specified below shall be chargeable in respect of each item viz.

1. Licence Fees:	Rs.
(a) Liquefied petroleum Gas	500-00
(b) Petrol and Diesel or any one commodity	1, 000-00
(c) Kerosene:	
(i) Wholesale	500-00
(ii) Retail	100-00
2. Renewal Fees (per Year):	
(a) Liquefied Petroleum Gas	200-00
(b) Petrol and diesel or any one commodity	500-00
(c) Kerosene:	
(i) Wholesale	200-00
(ii) Retail	50-00
3. Fees for issue of Duplicate licence:-	
(a) Liquefied Petroleum Gas	200-00
(b) Petrol and Diesel (or) any one Commodity	200-00
(c) Kerosene:	
(i) Wholesale	100-00
(ii) Retail	50-00

6. Deposit of Security :-

(1) Every dealer (other than Kerosene dealer) applying for licence shall, before such licence is issued to him, deposit with the licensing authority in cash or in National Savings Certificates, for the due performance of the conditions of the licence issued to him a sum of Rs.500/-.

(2) Every dealer applying for a Kerosene licence shall, before-such licence is issued to him deposit with the licensing authority in cash or in National Savings Certificates for the due performance of the conditions of the licence issued to him a sum shown below.

	Rs. Ps.
(1) Wholesaler	250-00
(2) Retailer	25-00
(3) Hawker	15-00

Provided that the dealers belonging to Scheduled Castes/Scheduled Tribes, Physically/Mentally Handicapped are exempted from the

payment of the deposit as required under items (1) and (2) above. Provided further that nothing in the sub-clauses (1) and (2) above shall apply to a shop run by the State Government, a State Government Undertaking or a Corporation wholly owned by the State Government.

7. Powers to refuse Licence :-

The licensing authority may, after giving the dealer concerned an opportunity to represent his case and for reasons to be recorded in writing, refuse to grant or renew a licence.

8. Registration of Carriers of Petroleum Products :-

(1) Every owner of the carrier of the petroleum products shall obtain registration certificate in Form F in respect of each vehicle owned by him or intended to be used for the purpose of transporting the petroleum products from the licensing authority.

Provided that this clause shall not apply in respect of vehicles owned by oil companies and hawkers.

(2) The owners of all existing carriers of the petroleum products shall obtain a registration certificate within 30 days from the date of issue of this Order.

(3) All petroleum carrying tanks, lorries are prohibited from carrying edible oils.

9. Issue of Registration Certificates for carriers :-

Every application for issue or reissue or renewal of a Registration Certificate shall be in Form E .

10. Period of Registration Certificate and Fees chargeable :-

(1) Every Registration Certificate granted under this Order for the carriers shall be valid with effect from the date on which it is issued upto the last day of financial year and may be renewed for a period of one year at a time if an application for the renewal of the certificate is made so as to reach the licensing authority on or before the expiry period of its validity.

(2) The fee to be charged shall be:

(i) for issue of Registration Certificate - Rs.5

(ii) for renewal of Registration Certificate - Rs.2

(iii) for issue of duplicate Registration Certificate - Rs. 10

(3) The owner of a carrier may obtain Registration Certificate for a period of 3 years by paying the required fee and renewal fee.

11. Security Deposit by Carriers :-

Every owner of the carrier before applying for Registration Certificate shall deposit with the Collector a sum of Rs. 1,000/- for each carrier in the shape of cash or National Savings Certificates for the due performance of the conditions of the Certificate:--

12. . :-

(1) Maintenance of accounts and supplies by Dealers:-

(i) Every dealer shall take all reasonable steps to ensure that he has adequate stocks of the petroleum products at his business premises at all times, subject to availability of the product.

(ii) Every dealer shall maintain true and correct accounts of all purchase and sales of the petroleum products.

(iii) No dealer shall act in any manner prejudicial to the maintenance of supplies of the petroleum products in the State of Andhra Pradesh.

(iv) Every wholesale dealer in kerosene shall also take all reasonable steps to lift kerosene as allotted by the Collector or the officer authorised by him and keep adequate quantity at his business premises at all times for release to the dealers and others as per the allotment orders of the Collector or the officer authorised by him.

Provided that the Inspecting Officer shall take into consideration any restriction/reservation of product authorised by the Government while checking the available stocks.

(2) Submission of Monthly Returns: The licensee shall except when specifically exempted by the Government or by an officer authorised by the Government in this behalf, submit to the licensing authority concerned, a return in form C of the stocks, receipts; sales and deliveries of the petroleum products and balance every month so as to reach him within five days after the close of the month or as often as may be specified by the licensing authority from time to time.

13. Dealer not to sell petroleum products at Prices Higher than the prices fixed :-

No dealer shall sell the petroleum products at a price higher than the prices fixed, from time to time, by the Central Government or by the Government or recommended by the Oil Companies.

Provided that no charge shall be levied for supply of air and water.

14. Power to issue supply cards :-

(1) The Government, the Commissioner or the Collector may issue or cause to issue supply cards to any person or class of persons or to the public generally, in form G(A) or G(B) as the case may be:

Provided that no such supply card for High Speed Diesel Oil/LSD shall be issued to any person unless such person or any adult member of his family files before the Collector or any Officer authorised by Collector in this behalf an application in Form D duly furnishing a declaration as prescribed therein:

Provided further that where any person obtains supply card as aforesaid by filing false declaration, he shall forfeit the right to receive the supply of petroleum products besides being liable for prosecution.

(2) The Government or the Collector or any Officer authorised by the Government or by the Collector, may at any time, whether at the request of the person to whom any supply card has been issued or, suo motu, after making such enquiry as may be deemed necessary add to, amend, vary, suspend or cancel such supply card. Where any such card is cancelled any person in possession of it shall forthwith deliver the same to the Government, the Collector or Authorised Officer, as the case may be.

15. Supply cards to remain property of the State Government :-

ry supply card issued under this Order shall be the property of the Government and the person to whom it is issued shall be responsible for its safe custody.

16. Replacement of defaced, lost or destroyed supply card :-

(1) If a supply card is defaced, the Collector or any Officer authorised by the Collector, may after making such enquiry as he may think fit, issue a new supply card in place thereof on payment of a fee of rupees two.

Provided that no such fee shall be charged for the issue of any

duplicate supply card, if the Collector or the authorised officer is satisfied that the original card was defaced, lost or destroyed on account of fire, flood or other natural calamity or is required to be produced in a Court or for purposes of evidence before any person holding an enquiry or is required to be retained for official correspondence or the duplicate supply card is required to be issued on account of some mistake on the part of the issuing office.

(2) Every person to whom a new supply card has been issued shall, if he subsequently finds the lost supply card, forthwith return the latter card to the Collector or the authorised Officer.

17. Prohibition against transfer of Supply Card :-

No person shall transfer to any other person a supply card issued to himself, and no person shall use or dispose of or obtain such card, except under and in accordance with the provisions of this order.

18. Return of Supply Card by a person in unauthorised possession thereof :-

Where any person is in possession of a supply card and such possession is not authorised by virtue of this Order, he shall forth with deliver the same to the person in respect of whom it is issued or to the Tahsildar or Deputy Tahsildar or Assistant Supply Officer of the area in which he resides.

19. Prohibition against applying for Duplicate Supply Card, etc :-

No person shall:--

(a) dishonestly apply for or receive a supply card if he knows or has reason to believe that such supply card has already been issued or his name is already included in any other supply card;

(b) obtain a supply card by furnishing false information;

(c) without lawful authority alter or destroy a supply card issued to him;

20. Display of working hours, stock and price by dealers :-

(1) Every dealer shall display a board at a conspicuous place of his business premises, showing the:--

(i) registration number,

(ii) working hours;

(iii) Weekly holiday;

(iv) opening balance of the petroleum products on the day;

(v) the quantity of the petroleum products received during the day with the time of arrival;

(vi) time when the stock of the petroleum products is exhausted;

(vii) Price of the petroleum products per litre.

Explanation:- In regard to check for the actual stock, inspecting officers will be guided by allowances to be made for calculation error and operational losses as may be prescribed by the oil companies.

(2) Subject to clause 21, notwithstanding anything contained in any provision of law for the time being in force, no dealer shall keep his business premises closed during working hours on any day.

(3) Any change in working hours shall be made only with the prior permission of the licensing authority.

21. Weekly Holiday of Dealers :-

It shall be open to dealer to close his place of business either on Friday or Sunday of his choice in the week, with prior permission of the Collector.

22. Restriction on possession of petroleum products by a person other than a Licensee :-

Any person other than an oil company or a dealer shall not have in his ownership, possession or control of petroleum products excepts in accordance with permit given to him by the licensing authority or an officer authorised by him in this behalf;

Provided that this restriction shall not apply to the petroleum in a tank fixed permanently to a Motor Vehicle or in a can as provided in the proviso to clause 23.

23. Petroleum Products to be delivered only into a Motor Vehicle or against a supply Card :-

(1) It shall not be lawful for any dealer to supply or any person to receive petroleum products except unless the person receiving the petroleum products has a supply card issued by the licensing authority or an officer authorised by him in this behalf.

Provided that the Government or the Commissioner or the licensing authority may, from time to time, exempt any person or class of persons from the provisions of this clause and in that case, it will be lawful for the dealer to supply the petroleum products to the consumers without supply card as per the instructions of the Government or the Commissioner or the licensing authority;

Provided that in an emergency to help stranded motor vehicle, a supply not exceeding 5 (five) litres may be made.

Provided further that to facilitate bona fide agriculturist, the dealers may issue petrol not exceeding 5 (five) litres in cans for operating petrol operated insecticide sprayers.

(2) The quantity of the petroleum products to be supplied to any person or a class of persons shall be subject to such restrictions as may be notified from time to time by the Commissioner or the Collector of the district concerned.

24. Dealer or trader not to refuse to sell petroleum products :-

No dealer or trader shall refuse to sell the petroleum products available in his premises unless such sale is in contravention of this Order or the instructions of the Commissioner or the Collector. In respect of wholesale dealers in kerosene they shall sell kerosene supplied by the Oil Companies as per the allotment made by the Collector or the officer authorised by him or the Commissioner of Civil Supplies or the Officer authorised by him. The retail dealers namely, the nominated retailers, fair price shop dealers and hawkers shall sell kerosene meant for Public Distribution System on Household Supply Cards and others authorised by the Commissioner of Civil Supplies or the Collector or the officer authorised by him at the rates and scales prescribed by the Collector or the officer authorised by him.

25. Quality of Petroleum Products sold :-

The quality of Petroleum Products sold by a dealer shall be as supplied by the oil Companies. Provided that the samples drawn, if any, shall be tested only on the Oil Companies.

26. No Transport of Petroleum Products with out Invoice of Companies :-

(1) No dealer or carrier of the Petroleum Products shall transport the petroleum products in a tank or lorry or any place in the State

or outside the State without an invoice an invoice of sale issued by an oil company showing the depot from which the petroleum product has been issued, the quantity the price charged and the destination.

Provided that the Divisional Manager of the oil company concerned may direct the supplies from one dealer to another dealer for sufficient reasons. But the same will be informed to the licensing authority immediately.

Explanation:- This will not apply stock transfers by oil company.

(2) Subject to proviso to clause 23, no person shall transport the petroleum products in cans or in barrels or in any other container except in accordance with an invoice of sale issued by an oil company by a dealer or in accordance with a permit issued the Collector or an Officer authorised by him in this behalf.

27. Power of Government or Commissioner of Civil Supplies or Collector to issue Directions :-

(1) In the interest of ensuring fair and equitable distribution of the petroleum products it shall be lawful for the Commissioner or Collector to issue directions to dealers, traders, owners of oil tankers and consumer outlet owners.

(2) It shall be lawful for the Commissioner or Collector in the interest of ensuring fair and equitable distribution of the petroleum products to issue directions to oil companies in accordance with this Order and the Essential Commodities Act, 1955 and in consonance with the general instructions of the Government of India to the Oil Companies.

(3) Without affecting the generality of sub-clauses (1) and (2) such directions may provide for:

(a) ceiling for supply of the petroleum products to different dealers, classes of vehicles and different categories of consumers.

(b) regulating the system of issue of permits for petroleum products.

28. Contravention of Conditions of Licence/Registration Certificate/Supply Card/Provisions of this Order :-

(1) No holder of licence or registration certificate or supply card issued under this order or his agent or servant or any other person

acting on his behalf shall contravene, attempt or abet the contravention of any of the provisions of this Order or any of the conditions of the licence, registration certificate or any directions issued thereunder. If any such holder or his agent or his servant or any person acting on his behalf contravenes any of the said terms or conditions, his licence or registration certificate or supply card may be cancelled or suspended for such period as may be specified by an order in writing by the licensing authority:

Provided that no order shall be made under this clause unless the licensee or the holder of registration certificate has been given a reasonable opportunity for representing his case in writing and also having heard in person against the proposed cancellation.

(2) Pending action as in sub-clause (1) above, the licensing authority, for reasons to be recorded in writing, order an interim suspension of the licence, registration certificate or supply card.

29. Cancellation of licence or Registration Certificate or Supply Card in certain other cases :-

(1) Notwithstanding any thing contained in Clause 28 where a licensee or holder of a registration certificate or supply card has been convicted a Court of Law in respect of any of the provisions of the Essential Commodities Act, 1955 (Central Act, 10 of 1955) the licensing authority may by order in writing cancel his licence or certificate or supply card issued under this Order.

(2) Pending action as in sub-clause (1) above, the licensing authority may, for reasons to be recorded in writing, order an interim suspension of the licence, registration certificate or supply card for the duration of the proceeding in the Court.

Provided that where such conviction is set aside in appeal or revision, the licensing authority shall, on application by the person whose licence or registration certificate or supply card has been cancelled, re-issue the licence or registration certificate or supply card to such person.

30. Forfeiture of Security Deposit :-

(1) Without prejudice to the provisions of Clause 28, if the licensing authority is satisfied that the licensee or the holder of a registration certificate has contravened any of the conditions of the licence or any provisions of this Order and that a forfeiture of the security

deposit is called for, it may after giving a reasonable opportunity for representing his case against the forfeiture and also having heard in person, forfeit the whole or any part of the security deposit and communicate a copy of the order to him.

(2) The Licensee or holder of certificate shall, if the amount of security at any time falls short of the amount specified in Clause 6, forth with deposit further security to make up that amount on being required by the licensing authority to do so.

(3) Upon due compliance by the licensee with all obligations under the licence, the amount of security or such part thereof, which is not forfeited as aforesaid, shall be returned, to the licensee after the termination of the licence.

(4) In respect of a licensee exempted from payment of security deposit, the Government or the Collector may in case of contravention of any of the conditions of licence, after enquiry and for reasons to be recorded in writing besides cancelling the licence, impose a penalty of such an amount not exceeding the security deposit prescribed for the dealers in general.

31. Appeal :-

(1) Any person aggrieved by any order to grant, reissue or renew a licence, or certificate or supply card or by any order cancelling or suspending a licence or certificate or forfeiting the security deposited by the licensee or holder of certificate under the provisions of this Order, may prefer an appeal within thirty days from the date of receipt of such order by him.

(a) to the Commissioner if such order is that of the Chief Rationing Officer, Hyderabad or the Collector;

(b) to the Chief Rationing Officer, Hyderabad, if such order is that of the Assistant Supply Officer, Hyderabad or Secunderabad;

(c) to the Collector of the District Concerned, if such order is that of a Revenue Divisional Officer or District Supply Officer and;

(d) to the Revenue Divisional Officer concerned if such order is that of a Tahsildar; Provided that the appellate authority may admit an appeal preferred after the expiry of the said period of thirty days, if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within the said period.

(2) The appellate authority shall, after giving an opportunity to the appellant to be heard, pass such order as he may think fit, confirming, modifying or annulling the orders appealed against.

(3) Pending disposal of the appeal, the appellate authority may direct that the orders against which an appeal is preferred shall not take effect until the appeal is disposed of.

32. Powers of entry, search, seizure etc :-

(1) The licensing authority or any other officer of the Revenue or Civil Supplies Departments not below the rank of a Revenue Inspector or an officer of Vigilance cell of Civil Supplies Department not below the rank of a Sub-Inspector in his respective jurisdiction or any other officer duly authorised by the licensing authority, Superintendent of Police of vigilance Cell of Civil Supplies Department or any Gazetted Officer of Vigilance and Enforcement Department in writing may, with such assistance, if any, as he thinks fit:--

(a) require the owner, occupier or any other person in-charge of any place, premises, vehicle or vessel in which he had 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, to produce any books, accounts or other documents showing transactions relating to such contravention;

(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 order or the conditions of any licence issued thereunder, has been or is being or is about to be committed.

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

(d) search, seize or seal the underground tank or remove stocks of petroleum products and the animals, vehicles, vessels or other conveyance used in carrying the said petroleum products in contravention of the provisions of this Order, or of the condition of the licence issued thereunder and there after take or authorise the taking of all measures necessary for securing the production of stocks of petroleum products and the animals, vehicles, vessels or other conveyance so seized in a Court or before Collector and for

their safe custody pending such production.

(2) The provisions of Section 100 of the Code of Criminal Procedure, 1973 (Act 2 of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

33. Sanction of Prosecution :-

No person shall be prosecuted for contravention, attempt to contravene or abet the contravention of any of the provisions of this order or of the terms and conditions of licence/permit/coupon issued to him or the directions issued by the Government/Commissioner/Licensing Authority except with the previous sanction of the Collector concerned.

34. . :-

The Government may if it considers necessary for avoiding any hardship or for any other just and sufficient reasons, by notification in the Andhra Pradesh Gazette, exempt any person or class of persons or institutions from the operation of provisions of this Order either generally or specifically for specified period, subject to such conditions as may be specified in the notification.

35. Repeal and Savings :-

(1) The Andhra Pradesh Motor Spirit and HighSpeed Diesel Oil (Maintenance of Supplies) Order, 1979 and the Andhra Pradesh Kerosene (licensing and Distribution) Order, 1965 are hereby repealed;

Provided that such recession shall not effect:-

(a) the previous operation of any of the said Order or any thing duly done or suffered thereunder.

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any of the said orders.

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any of the said orders; or

(d) any investigation legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or 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

relevant order has not been rescinded.

(2) Nothing contained in this Order shall apply to:

(i) the Railways, Defence Services or Ocean going vessels (not inclusive of fishing crafts) calling at any port of Andhra Pradesh.

(ii) the sale or storage for sale or purchase of the petroleum products on the Government account and;

(iii) the sale by Banks of stocks of the petroleum products hypothecated to them provided that the Kerosene is sold in accordance with the terms and conditions applicable to the hypothecators.