

The Oil And Natural Gas Corporation Limited (Payment Of Compensation) Rules, 1994

UNION OF INDIA

India

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Rule

THE-OIL-AND-NATURAL-GAS-CORPORATION-LIMITED-PAYMENT-OF of 1994

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The Oil And Natural Gas Corporation Limited (Payment Of Compensation) Rules, 1994Published vide Notification Gazette of India, Extraordinary, Part 2, Section 3 (i), No. 84, dated 2nd March 1995.

1818.

G.S.R. 106 (E) dated 2nd March, 1995. - In exercise of the powers conferred by sub-sections (1) and (2) of Section 10 of the Oil and Natural Gas Commission (Transfer of Undertaking and Repeal) Act, 1993 (65 of 1993), the Central Government hereby makes the following rules, namely :-

1. Short title and commencement.

(1)These rules may be called the Oil and Natural Gas Corporation Limited (Payment of Compensation) Rules, 1994.(2)They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires,--(a)"Act" means the Oil and Natural Gas Commission (Transfer of Undertaking and Repeal) Act, 1993 (65 of 1993) :(b)"area" means the area of land which is intended to prospect or measure for ascertaining the availability of any oil or natural gas under the provisions of the Act;(c)"Corporation" means the Oil and Natural Gas

Corporation Limited;(d)"competent authority" means the Collector of a District and also includes any officer specially appointed by the State Government/Central Government to perform the functions of a Collector;(e)"occupier" includes(i)any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land including building, if any, in respect of which such rent is paid or is payable:(ii)an owner in occupation of, or otherwise using his land or building;(iii)a rent-free tenant of any land including building, if any;(iv)a licensee in occupation of any land including building, if any; and(v)any person who is liable to pay to the owner damages for the use and occupation of any land including building constructed thereon;(f)"section" means a section of the Act.

3. Filing of claims for compensation.

- Any occupier of the land who has suffered loss or damage to the land while measuring or prospecting any area by any officer or employee of the Corporation, may file before the competent authority, a claim for compensation,(a)for loss or damage cause to land by Corporation's employee as a result of exercise of powers conferred by sub-section (1) of Section 9, within sixty days from the date of causing of such loss or damage:Provided that the competent authority may entertain such claim within thirty days after the expiry of the specified period, if he is satisfied that the applicant had sufficient cause for not making the application within such specified period.(b)The application for the claim for compensation shall be made in writing to the competent authority specifying the particulars regarding his right, title or interest in or over the land and the damages alleged to have been caused to land and such other particulars and for documents as he may deem relevant to be furnished.(c)The competent authority shall, on receipt of the application for compensation, make such inquiry as he may deem fit and fix the compensation after hearing the parties concerned and thereafter inform the parties the amount of compensation, so fixed.

4. Deposit of compensation.

- The Corporation may within thirty days of the receipt of information under rule 3 deposit the compensation amount in such treasury and under such head of account as may be specified therein in that behalf.

5. Notice to claimants.

(1)Where several persons claim to be interested in the amount of compensation deposited under sub-section (3) of Section 9 and the competent authority has determined under sub-section (4) of that section, the persons who in its opinion are entitled to receive the compensation and the amount to be paid to each of them it shall send intimation thereof to all the persons who have preferred claims for compensation.(2)If any of the persons referred to in sub-rule (1) does not accept the decision of the competent authority he shall, within a period of thirty days of the receipt of such intimation the competent authority in writing to that effect.

6. Mode of service of notice, etc.

(1) Any notice or letter issued or any order passed under these rules may be served by delivering or tendering a copy of such notice, letter or order, as the case may be, to the person for whom it is intended or to any adult member of his family or by sending it by registered post with acknowledgement due addressed to that person at his usual or last known place of residence or business. (2) Where the serving officer delivers or tenders the copy of the notice, letter or order under sub-rule (1), he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgement of service endorsed on the original. (3) Where the person or the adult member of the family of such person refuses to sign the acknowledgement, or where the serving officer, after using all due reasonable diligence, cannot find such person and there is no adult member of the family of such person, the serving officer shall affix a copy of the notice, letter or order on the other door or some other conspicuous part of the ordinary residence or usual place of business of such person and then shall return the original with a report endorsed thereon or annexed thereto stating that he has so affixed a copy, the circumstances under which he did so and the name and address of the person, if any, by whom the usual or last known place of residence or business, as the case may be, was identified and in whose presence the copy was affixed. (4) Where the person to be served with the notice, letter or order is a minor or a person of unsound mind, the notice, letter or order shall be served in the aforesaid manner, on the guardian of such minor or person of unsound mind, as the case may be.

7. Appeals to Central Government.

(1) Any party aggrieved by the determination of the amount of compensation may prefer an appeal to the Central Government, not later than ninety days of the receipt of the intimation from the competent authority under rule 3. (2) Every appeal to the Central Government shall be in the form of memorandum signed by the appellant, and shall be addressed to the Secretary to the Government of India in the Ministry of Petroleum and Natural Gas and be presented to the officer personally or sent to him by registered post with acknowledgement due. The memorandum shall be accompanied by a certified copy of the order appealed against. (3) The memorandum of appeal shall set forth, concisely and under distinct head, the grounds of objection to the order appealed from without any argument or narrative: and such grounds shall be numbered consecutively. (4) An appeal not filed within the time allowed under this rule shall be rejected by the Central Government, but if the appeal is defective in form, the Central Government before rejecting such appeal, shall call upon the party concerned to remove the defects within a particular time, and if he does so the appeal shall be admitted. (5) The Central Government shall endeavour to decide the appeal expeditiously, as far as practicable within one hundred and ninety days from the date on which the appeal is admitted.