

The Naptha (Acquisition, Sale, Storage and Prevention of Use in Automobile) Order, 2000

UNION OF INDIA

India

The Naptha (Acquisition, Sale, Storage and Prevention of Use in Automobile) Order, 2000

Rule

THE-NAPTHA-ACQUISITION-SALE-STORAGE-AND-PREVENTION-OF- of 2000

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The Naptha (Acquisition, Sale, Storage and Prevention of Use in Automobile) Order, 2000Published vide Notification Gazette of India, G.S.R. 518 (E) Extraordinary Part-II Section 3 (1) dated 5th June, 2000 (w.e.f. 5th June, 2000)G.S.R. 518 (E). - In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1995 (Central Act 10 of 1955), the Central Government hereby makes the following order, namely:-

1. Short title, extent and commencement.

(1)This order may be called The Naphtha (Acquisition, Sale, Storage and Prevention of use in Automobile) Order, 2000.(a)It extends to the whole of India.(b)It shall come into force on the date of its publication in the Official Gazette.

2. Definitions.

- In this order, unless the context otherwise requires:-(a)"Automobile" means any vehicle registered with Road Transport Authority by any person where fuel certified for use in such automobile is Motor Spirit, High Speed Diesel, liquefied Petroleum Gas or Compressed Natural Gas.(b)"Government Oil Company" means an oil refining company or oil marketing company which is also a Government company as defined in Section 617 of Companies Act, 1956;(c)"High Speed Diesel" means any hydrocarbon oil (excluding mineral colza oil and turpentine substitute) which meets the requirements of Bureau of Indian Standards specification No.IS-1460 and is suitable for use as fuel in Compression Ignition Engines;(d)"Motor Spirit" means any hydrocarbon oil

(excluding crude mineral oil) which meets the requirements of Bureau of Indian Standards specification No.IS-2796 and is suitable for use as fuel in Spark Ignition Engines;(e)"Naphtha" is a light hydrocarbon liquid with 90% volume distillation, by ASTM D-86 distillation method, of 190 degrees Centigrade or less.(f)"Oil Company" means any person, firm or company authorised by the Central Government who is engaged in the sale of Motor Spirit or High Speed Diesel to consumers or dealers.

3. Restriction on sale and use of Naphtha.

- (i) No person shall either acquire, store and/or sell Naphtha, without a licence, issued by the State Government or District Magistrate or any other Officer authorised by the Central or State Government.(ii)No person shall either use or help in any manner the use of Naphtha except Motor Spirit, High Speed Diesel and/or any other fuel permitted by the Central Government, in any automobile.(iii)No person shall either adulterate or help in any manner adulterating of Motor Spirit and High Speed Diesel with Naphtha.(iv)Every person whosoever is engaged in sale or trading of Naphtha either imported or indigenous, for any purpose, whatsoever, shall file end-use certificates from consumers to whom he sells and also furnish customer-wise sales to the District Magistrate or the State Civil Supplies Authorities by whatever name called, on a Quarterly basis.(v)Every person whosoever is engaged in actual use of Naphtha either imported or indigenous for manufacture of any petrochemicals or any other purpose shall file end-use certificates to the District Magistrate or the State Civil Supplies Authorities by whatever name called, on a quarterly basis.

4. Power of search and Seizure.

(1)Any Gazetted Officer of the Central or State Government or any Police Officer not below the rank of Deputy Superintendent of Police duly authorised, by general or special order by the Government or any officers of a Government Oil Company or any other Oil Company authorised by Central Government, not below the rank of Sales Officer may, with a view to securing compliance with the provisions of this Order, or for the purpose of satisfying himself that this order or any order made thereunder has been complied with,-(a)Enter and search any place or premises being made use of or suspected to be made use of in the business of the dealer, transporter, consumer or any other person who is an employee or agent of such dealer/transporter/consumer with respect to which there is reason to believe that the provisions of this order have been/are being or are about to be contravened.(b)Stop and search any person or vehicle or receptacle used or intended to be used for the movement of the product or using or receiving the product in contravention of this order.(c)Inspect any book of accounts or other document or any stock of the product used or suspected to be used in the business of the dealer, transporter, consumer or any other person suspected to be an employee or agent of the dealer, transporter or consumer.(d)Take samples of the product and/or seize any/or the stocks of the product which the Officer has reason to believe has been or is being or is about to be used in contravention of this order and hereafter take or authorise the taking of all measures necessary for securing the production of stocks/items so seized before the Collector having jurisdiction under the provisions of the Essential Commodities Act, 1955 (10 of 1955) and for their safe custody pending such production.(2)While exercising the power of seizure provided under clause 1(d) the authorised officer shall record in writing the reasons for doing so, a

copy of which shall be given to the dealer, transporter, consumer or any other concerned person.(3)The Provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974), relating to search and seizure shall, as far as may be, apply to searches and seizures under this Order.

5. Sampling of Product.

(1)The Officer authorised in Clause 4 shall draw the sample from the tank, nozzle, vehicle or receptacle as the case may be to check whether the provisions of this Order are being or likely to be contravened.(2)The Officer authorised in Clause 4 shall take, sign and seal three samples of 750 ml. to 1 litre each of the product, one to be given to the concerned person under acknowledgement with instructions to preserve the sample in his safe custody till the testing/ investigations are completed, the second sample to be kept by the concerned oil company or department and the third to be used for laboratory analysis.(3)Samples shall be taken in clean glass or aluminium containers. Plastic containers shall not be used for drawing samples.(4)The sample label should be jointly signed by the officer who has drawn the sample, and the concerned person or his representative and the label shall contain information as regards the product, place of seizure, quantity of sample, date, name and signature of the concerned person or his representative.(5)The authorised officer shall send the third sample of the product taken under sub clause (2), immediately or in any case within a period of 10 days, to any of the laboratories specified in Schedule III of the Motor Spirit and High Speed Diesel (Regulation of Supply and Distribution and Prevention of Malpractices) Order, 1998 for the purpose of analysis of samples to check the product.

6. Power of Central Government to issue directions.

- The Central Government or a State Government with the approval of the Central Government may, from time to time, by a general or special order issue to any person such directions as it considers necessary regarding storage, sale, transportation and disposal and use of product and upon the issue of such directions, such person shall be bound to comply therewith.

7. Provision of the order to prevail over previous orders of State Government, etc.

- The provisions of this Order shall have effect notwithstanding anything to the contrary contained in any order may be a State Government or by an Officer of such State Government before the commencement of this order except as respects anything done, or omitted to be done thereunder before such commencement.AppendixNotifications(G.O.Ms.No.205, Co-operation, Food and Consumer Protection, dated 06.09.2000) - Whereas, the Government of Tamil Nadu are of the opinion that it is necessary and expedient so to do to confer the power of search and seizure specified in the Naphtha (Acquisition, Sale, Storage and Prevention of use in Automobile) Order, 2000.Now, Therefore, under sub-clause (1) of the clause 4 of the Naphtha (Acquisition, Sale, Storage and Prevention of use in Automobile) Order, 2000, the Governor of Tamil Nadu, hereby, authorises the following officers for the purpose of the said clause:-(1)Officers of Industries and Commerce Department not below the rank of Inspector of Industries and Commerce.(2)All officers

of Revenue Department not below the rank of Taluk Tahsildars within their jurisdiction.(3)All officers of Police Department including Civil Supplies CID not below the rank of Deputy Superintendent of Police.(4)All Officers of Labour Department not below the rank of Inspectors within the local Limits of their jurisdiction.(5)All Officers of Civil Supplies and Consumer Protection Department not below the rank of Assistant Commissioners including Assistant Commissioner (Inspection).R. Santhanam. Secretary to GovernmentGovernment of Tamil NaduAbstractEssential Commodities Act, 1955 (Central Act X of 1955) - Naphtha (Acquisition, Sale, Storage and Prevention of use in Automobiles) Order, 2000 - Promulgated by Government of India-Licensing Authorities - Authorised by Government - Orders - Issued.Co-Operation, Food and Consumer Protection (C1) DepartmentG.O.Ms.No.219Dated: 03.10.2000Read:

1. Government of India, Ministry of Petroleum and Natural Gas Gazette Notification No.G.S.R.518(E), dated, 5.6.2000 and Corrigendum dated 30.6.2000.

2. Government of India, Ministry of Petroleum and Natural Gas Lr.No.P-110313/1/2000, Dist. Pt dated 11.8.2000 and 17.8.2000.

3. Government D.O.Letter No.17365/C1/2000 - 10 Cooperation, Food and Consumer Protection, dated 2.8.2000 addressed to all collectors.

4. Government Fax No.17365/C1/2000 - 17, Cooperation, Food and Consumer Protection, dated 29.8.2000.

5. Government D.O.No.17365/C1/2000 -18, Cooperation, Food and Consumer Protection, dated 29.8.2000 addressed to all Collectors.

6. G.O.Ms.No.204, Cooperation, Food and Consumer Protection Department, Dated; 6.9.2000.

7. G.O.Ms.No.205, Cooperation, Food and Consumer Protection Department, Dated;6.9.2000

8. From the Special Commissioner and Commissioner of Civil of Civil Supplies and Consumer Protection Letter No.K4/22196/2000, dated, 9.9.2000 and 11.9.2000.

*****Order:The Government of India, Ministry of Petroleum and Natural Gas have Promulgated the Naphtha (Acquisition, Sale, Storage and Prevention of use in Automobile) Order, 2000 under section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) on 5.6.2000 to prevent the misuse of Naphtha as Automobile fuel and adulterant of Automobile fuels.

2. In the Government Order 6th read above, the Government have republished the above said order in the Tamil Nadu Government Gazette, Extra-Ordinary dated 7.9.2000 and in the Government Order 7th read above, Orders have been issued authorising the State Government Officials as Inspecting Officers under clause 4 of the said Order.

3. Under sub-clause (i) of Clause 3 of the Naphtha (Acquisition, Sale, Storage and Prevention of use in Automobile) Order, 2000 no person shall either acquire, store and / or sell Naphtha without a licence, issued by the State Governments or the District Magistrate or any other officer authorised by the Central or the State Governments. Accordingly, after consultation with the Special Commissioner and Commissioner of Civil Supplies and Consumer Protection, the Government direct that the following officers be empowered to exercise the powers and functions as Licensing authority within the local areas as specified below for the purpose of the said order, namely:-

(a)in the case of Chennai City and its belt areas, the Deputy Commissioner (Civil Supplies) North and the Deputy Commissioner (Civil Supplies) South within their respective jurisdiction, and(b)in the case of other Districts the Collector of the District concerned.

4. Under sub-clause (iv) of Clause 3 of the Naphtha (Acquisition, Sale, Storage and Prevention of use in Automobile) Order, 2000, every person whosoever is engaged in sale or trading of Naphtha either imported or indigenous for any purpose whatsoever, shall file end-use certificates from consumers to whom he sells and also furnish customer wise sales to the District Magistrate or the State Civil Supplies Authorities by whatever name called on a quarterly basis. Accordingly, the Government direct that the end-use certificates and the particulars regarding customer-wise sales mentioned above shall be filed/furnished to the concerned licensing authorities mentioned in para 3 above with a copy to the State Level Co-ordinator of the Oil Industry for information.

5. Under sub-clause (v) of Clause 3 of the Naphtha (Acquisition, Sale, Storage and Prevention of use in Automobile) Order, 2000, every person whosoever is engaged in actual use of Naphtha either imported or indigenous for manufacture of any Petro-Chemicals or any other purpose shall file end-use certificates to the District Magistrate or the State Civil Supplies Authorities, by whatever name called, on a quarterly basis. Accordingly, the Government

direct that the end-use certificates mentioned above shall be filed with the concerned licensing authority mentioned in para 3 above on a quarterly basis with a copy to the State Level Coordinator of the Oil Industry for information.

6. The Government of India, Ministry of Petroleum and Natural Gas have already notified the form in which application for issue of Naphtha Licence shall be made under the said Order and the format in which the licence shall be issued by the licensing authorities. The Government of India have also prescribed a fee of Rs. 500/- for fresh licence and Rs. 250/- for renewal of licence. As prescribed by the Government of India licence shall be issued for a period of one year and thereafter shall be renewed for 2 years on each occasion. Further, the Government of India have exempted the following companies from the provisions of clause 3 of the Naphtha (Acquisition, Sale, Storage and Prevention of use in Automobile) Order, 2000.

- 1. Indian Oil Corporation Limited (IOCL)**
- 2. Bharat Petroleum Corporation Limited (BPCL)**
- 3. Hindustan Petroleum Corporation Limited (HPCL)**
- 4. IBP Company Limited.**
- 5. Oil and Natural Gas Corporation Limited (ONGC)**
- 6. Gas Authority of India Limited (GAIL)**
- 7. Oil India Limited (OIL)**
- 8. Kochi Refineries Limited (KRL)**
- 9. Chennai Petroleum Corporation Limited (CPCL)**
- 10. Bongaigaon Refinery and Petro-Chemicals Limited (BRPL)**
- 11. Numaligarh Refinery Limited (NRL)**

12. Lubrizol India Limited (LIL)

13. Biecco Lawrie and Company Limited

14. India Additives Limited (Subsidiary of CPCL)

15. Indian Oil Blending Limited (Subsidiary of IOC)

16. ONGC Videsh Limited

17. Balmer Lawrie & Co. Limited.

Accordingly, the Government have already communicated the application forms, the licensing forms, list of companies exempted and schedule of fees to the licensing authorities.

7. The Government also direct that all the licensing authorities mentioned in para 3 above to open the following head of account for crediting the fees for issue of fresh licence/renewal of licence under the Naphtha (Acquisition, Sale, Storage and Prevention of use in Automobile) Order, 2000.

1456.

-00-Civil Supplies - 800 - Other receipts - AA - Licence Fees

10. - Licence fee under Naphtha Order, 2000 (DPC 1456 - 00 - 800 AA - 1009)

(By Order of the Governor)R. Santhanam. Secretary to GovernmentMinistry of Petroleum and Natural GasOrderIn pursuance of sub-clauses (i) and (vi) of clause 3 of the Naphtha (Acquisition, Sale, Storage and Prevention of use in Automobiles) Order, 2000, the Central Government hereby notifies the Form in which application for issue of Naphtha licence shall be made under the said Order, and the Format in which the licence shall be issued by the State Government or the District Magistrate or the officer authorised by the Central or the State Government, namely.Application Form(For issue of licence for Naphtha, under sub-clause (1) of clause 3 of the Naphtha (Acquisition, Sale, Storage and Prevention of Use in Automobiles) Order, 2000)To,The State Government or the District Magistrate or the Officer authorised by the Central or the State Government.

1. Name of the applicant:

2. Type of firm (strike out whichever is not applicable)

2a. Public Limited Company/ Private Limited Company/ Partnership firm/Proprietorship firm/Others

2b. Trader/Processor/Manufacturer/Consumer/Others

3. Addresses:

3a. Registered Office:

3b. Storage Point (s)

4. Names, addresses, telephone numbers of Directors/Partners/Proprietor(s)

Sl.No	Name	Office	Residence
	Address	Telephone	Address Telephone

5. Industry Registration/Licence Details

Registration /Licence Number	Date of Issue	Valid up to	Issuing Authority
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6. Sales Tax Registration Details

6a. State Sales Tax

Registration/Number	Date of Issue	Valid up to	Issuing Authority
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6b. Central Sales Tax

Registration/Number	Date of Issue	Valid up to	Issuing Authority
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7. Explosives Licence Details

LicenceNumber	Date of Issue	Valid up to	Storage CapacityLicensed(in kilolitres)
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8. Details of Storage

Location	Tank Number	Capacity(in kilolitres)
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9. Use of Naphtha for which the licence is required

1.

2.

3.

10a. Quantity of Naptha for which Licence is applied for
----- (in Kilolitres)

10b. Material balance for which Naptha is required

I. Process(attach
details).....

Material balance of each unit of Naptha consumed

End Products Production

Product A %

Product B %

..... %

..... %

Wastage %

Total 100%

DeclarationCertified that the above information is true to the best of my knowledge and belief and the information as annexures and statements accompanying this application are correct, complete and truly stated, and if any statement made herein found to be incorrect, I shall be liable for action under the provision of law.

Date: Signature:

Place Name:

Format in which the Licence shall be issued by the State Governments/the District
Magistrate/union Territory Administrations/Government of India(See Clause 3(i))

**1. Name of Trader/Processor/Manufacturer/Consumer/Others (Strike out
whichever is not applicable)**

**2. Type of firm (Strike out whichever is not applicable) Public Limited
Company/Private Limited Company/Partnership firm/Proprietorship
firm/Others**

3. Addresses

3a. Registered office

3b. Storage point (s)

4. Names, addresses, telephone numbers of Directors/Partners/Proprietor(s)

Sl.No	Name	Office	Residence
	Address	Telephone	Address
		Telephone	

5. Industry Registration/Licence Details

Registration /Licence Number	Date of Issue	Valid up to	Issuing Authority
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6. Sales Tax Registration Details

6a. State Sales Tax

Registration/Number	Date of Issue	Valid up to	Issuing Authority
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6b. Central Sales Tax

Registration/Number	Date of Issue	Valid up to	Issuing Authority
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7. Explosives Licence Details

LicenceNumber	Date of Issue	Valid up to	Storage CapacityLicensed(in kilolitres)
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8. Details of Storage

Location	Tank Number	Capacity(in kilolitres)
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9. Use of Naphtha for which the licence is required

1.

2.

3.

10. Other conditions of the Licence

11. Details of Naphtha Licence

Licence Number	Date of Issue	Valid upto*	Licence Quantityper year (in Kilolitres)
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(*) Licence shall be issued for a period of one year and thereafter shall be renewed for two years on each occasion

Date: Signature:

Place: Name:

Designation:

Seal: