

Solvent Raffinate And Slop (Acquisition, Sale, Storage And Prevention Of Use In Automobile) Order, 2000

UNION OF INDIA

India

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Rule

SOLVENT-RAFFINATE-AND-SLOP-ACQUISITION-SALE-STORAGE-AND PREVENTION OF USE IN AUTOMOBILE ORDER, 2000

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APPENDIX NOTIFICATION PUBLISHED IN THE GAZETTE OF

INDIA EXTRAORDINARY PART-II SECTION 3 (i) Ministry Of Petroleum And Natural Gas
Order New Delhi, The 5th June, 2000 G.S.R. 519 (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 Solvent, Raffinate and Slop (Acquisition, Sale, Storage and Prevention of use in Automobile) Order, 2000.

2. It extends to the whole of India.

3. 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 a Government company as defined in Section 617 of Companies Act, 1956; (1 of 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 India Standards specification No. IS-2796 and is suitable for use as fuel in Spark Ignition Engines;(e)"Oil Company" means any person, firm or company engaged in sale of motor spirit and or the high speed diesel to consumers and or the dealers and authorised to do so by the Central Government.(f)"Other Product" means a product other than solvent, raffinate or slop as defined here under and or their equivalent, having the power or ability to dissolve in motor spirit and or the high speed diesel;(g)"raffinate" means a lean solvent stream in liquid extraction process where solvent is used to separate two components in hydrocarbon mixture.(gg)['Schedule' means the Schedule appended to this Order.] [Inserted by Notification No. G.S.R. 856(E), dated 21.11.2001 (w.e.f. 6.9.2000)](h)"Slop" means unfinished product stream generated in any industry during unstabilised period of plant operation.(i)["Solvent" means volatile fractions derived either directly or indirectly from petroleum or coal and are included in the Schedule.] [Substituted by Notification No. G.S.R. 856(E), dated 21.11.2001 (w.e.f. 6.9.2000)]

3. Restriction on sale and use of Solvents, Raffenates and Slops and other products:

[(1) No person shall either acquire, store or sell Solvents included in the Schedule, without a licence, issued by the State Government or the District Magistrate or any other Officer authorised by the Central or the State Government. Provided that no such licence shall be required for consumption of 50KLs per month or less and storage of 20 KLs or less of solvents listed in the Schedule combined.] [Inserted by Notification No. G.S.R. 856(E), dated 21.11.2001 (w.e.f. 6.9.2000)] (2) No person shall either use or help in any manner the use of Solvents, Raffenates and Slops or their equivalent or other product except Motor Spirit and High Speed Diesel, in any automobile. Provided that nothing in this Order shall preclude the use of such products for research purposes on automobiles. (3) Any person whosoever is engaged in the sale of trading of Solvents, Raffenates and Slops or their equivalent and other product, either imported or indigenous, for any purpose, whatsoever, shall file end-use certificates from consumers to whom he sells and furnish customer-wise sales to the District Magistrate or to the State Civil Supplies Authorities, on a quarterly basis. (4) Any person whosoever is engaged in use of Solvents, Raffenates and Slops or their equivalent and other product, 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, on a quarterly basis.[Provided that the provisions of sub-clauses 1, 3 and 4 shall not be applicable to the following companies, namely :-(i)Indian Oil Corporation Limited (IOCL)(ii)Bharat Petroleum Corporation Limited (BPCL)(iii)Hindustan Petroleum Corporation Limited (HPCL)(iv)IBP Co. Limited(v)Oil and Natural Gas Corporation Limited (ONGC)(vi)Gas Authority of India Limited (GAIL)(vii)Oil India Limited (OIL)(viii)Kochi Refineries Limited (KRL)(ix)Chennai Petroleum Corporation Limited (CPCL)(x)Bongalgaon Refinery and Petro-chemicals Limited (BRPL)(xi)Mumaligarh Refinery Limited (NRL)(xii)Lubrizol India Limited (LIL)(xiii)Biecco Lawrie and Co. Limited(xiv)Indian Additives Limited (Subsidiary of CPCL)(xv)Indian Oil Blending Limited (Subsidiary of IOC)(xvi)ONGC Videsh Limited (a wholly owned subsidiary of ONGC)(xvii)Balmer Lawrie and Co. Limited(xviii)Mangalore Refinery and Petrochemicals Limited (subsidiary of ONGC)(xix)Essar Oil Limited (EOL)]

4. Power of search and Seizure:-

(1)Any Gazetted Officer of the Central or the State Government or any Police Officer not below the rank of Deputy Superintendent of Police duly authorised, by general or special order by the central or the State Government or any officer of a Government Oil Company or any other oil Company authorised by the 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 used or suspected to be used 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 or 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 seize any of 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 thereafter take or authorise the taking of all measures necessary for securing the production of stocks or items so seized before the Collector having jurisdiction under the provisions of the Essential Commodities Act, 1955 and for their safe custody pending such production.(2)While exercising the power of seizure provided under sub-clause (d) of clause (1)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 and investigations are complete, the second sample to be kept by the concerned oil company or department and the third to be used for laboratory analysis.(3)The samples shall be taken in clean glass or aluminium containers and no Plastic containers shall 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) 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 and the State 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:

The provisions of this Order shall have effect not with standing anything to the contrary contained in any order made 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.(F.No.P.11013/1/2000-Dist.)NARESH NARAD, Addl. Secy.APPENDIX NOTIFICATION(G.O.Ms. No. 207, C.F & C.P. Department 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 Solvent, Raffinate and Slop (Acquisition, Sale, Storage and Prevention of use in Automobile) Order, 2000.NOW, THEREFORE, under sub-clause (1) of clause 4 of the Solvent, Raffinate and Slop (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).[Inserted by Notification No. G.S.R. 382 (E) dated 29.5.2009 (w.e.f. 6.9.2000)]