

**DETAILS OF AMENDMENTS TO MARKETING DISCIPLINE GUIDELINES 2012**

The amendments are as follows and are to be implemented with immediate effect :

**1. CLAUSE NO. 5.1.2. : SHORT DELIVERY OF PRODUCTS**

**a) With Weights & Measures Department Seals intact**

Sales through the concerned dispensing unit to be suspended forthwith and recalibration and re-stamping to be done before recommencement of sales.

(Even if short/excess delivery is found within permissible limit, recalibration and re-stamping to be done before recommencement of sales.)

**Penalty in case of short delivery beyond permissible limit:**

- i. **First instance:** Rs. 25,000/- per nozzle found delivering short beyond permissible limit as specified in Legal Metrology Act/Rule.
- ii. **Second instance within one year of 1st instance:** Rs 50,000/- per nozzle found delivering short beyond permissible limit as specified in Legal Metrology Act/Rule & suspension of Sales and supplies for 15 days.
- iii. **Third instance within one year of 1st instance:** Termination of the dealership.

**2. CLAUSE NO. 5.1.16 : AUTOMATED ROS**

**(a) Dealer Operating the automated RO in Manual mode without authorization**

Where automation has been completed at a Retail outlet and if any dispensing unit/MPD there has been found to be operating in manual mode without proper authorization from the competent authority it will be treated under this irregularity.

**(b) In case ATG is switched off / non-operational without authorization from the competent authority.**

**(c) Any deliberate action on the part of Dealership or their staff or any other agency to make any component of automation system (excluding MPDs / Dispensing Units / ATGs) dysfunctional, partly or fully, without authorization from competent authority.**

(Authorization through e-mail or signed letter from Company official will only be admissible.)

**Penalty in case (a), (b) & (c) above:**

- i. Penalty of Rs. 1,00,000/- (one lakh only) for the first irregularity.
- ii. Second offence would lead to suspension of sales and supplies for 7 days and penalty of Rs. 2,00,000/- (two lakhs only).
- iii. Third offence would lead to termination of the dealership.

**3. CLAUSE NO. 5.1.14 (b) : NON PROVISION OF CLEAN TOILET FACILITY**

Dealers should check daily and ensure the following:-

- a) Toilets are clean all the time.
- b) Proper lighting is available.
- c) Flush (wherever provided) is working properly.
- d) Water is available.
- e) Working latch is available on the toilet door.
- f) Signage is available.
- g) Toilet door is not kept locked

The above protocol is to be prominently displayed near the toilet. Maintenance sheet is to be maintained and displayed.

If OMC officials observe during the inspection that (a) Toilet is found to be not clean or (b) Water is not available or (c) Latch on the toilet door is not available/not working or (d) Toilet door found to be locked at any outlet, a photograph of the toilet shall be taken and letter shall be issued instantly listing the penalty as per MDG.

**Penalty in case of Non-provision of Clean Toilet facility:**

Penal action will be taken in case during the inspection (a) Toilet is found to be not clean or (b) Water is not available or (c) Latch on the toilet door is not available/not working or (d) Toilet door found to be locked.

- i. First instance Rs. 15,000/-
- ii. Second instance Rs. 25,000/-
- iii. Third instance & subsequent instances :
  - (a) Rs. 35,000/- or 45% of the monthly dealer margin (based on average of last 6 months), whichever is higher; and
  - (b) Suspension of Sales and supplies for 7 days or rectification of the defect in toilet, whichever is later.

**4. CLAUSE NO. 1.5 : OBSERVANCE OF STATUTORY AND OTHER REGULATIONS**

- x) Dealers shall make payment of minimum wages as notified by Oil Marketing Companies (OMCs) from time to time or statutory minimum wages as notified by the respective State Government, whichever is higher to the manpower employed at ROs. Other benefits as notified by OMCs/Statute shall also be paid to the manpower employed at ROs.

**5. CLAUSE NO. 5.1.18 : PAYMENT OF WAGES**

Dealers shall make payment of minimum wages as notified by Oil Marketing Companies (OMCs) from time to time or statutory minimum wages as notified by the respective State Government, whichever is higher to the manpower employed at ROs. Other benefits viz. PF, ESIC, Bonus, Earned/Annual Leave and Gratuity as notified by OMCs/Statute shall also be paid.

Dealers to ensure that :

- a) Salaries & wages are paid through e-Payment.
- b) PF, ESIC, Bonus, Annual Leave and Gratuity are paid as notified by OMCs /Statute.
- c) All Employees are covered under :
  - i. Pradhan Mantri Suraksha Bima Yojana (**PMSBY**)
  - ii. Pradhan Mantri Jeevan Jyoti Bhima Yojana (**PMJJBY**)

Dealers are required to maintain records and the records should be made available at the retail outlet for inspection, at all times.

**Penalty in case of Non-payment of minimum wages as applicable**

**Clause 8.3 (ix)** : Non-payment of Salary, Wages, other Benefits & Insurance as per clause 5.1.18 for the manpower employed at ROs.

**Penalty in case of 8.3 (ix) would be as under:-**

- i. **First instance** : 20% of the monthly dealer margin (based on average of last 3 months);
- ii. **Second instance** : 30% of the monthly dealer margin (based on average of last 3 months);
- iii. **Third & subsequent instances** : 40% of the monthly dealer margin (based on average of last 3 months) & suspension of sales and supplies for 15 days.

**6. CLAUSE NO. 8.5.7:**

The dealer would have a period of 10 days to reply from the date of issuance of Show Cause notice.

\*\*\*\*\*