

(TO BE PUBLISHED IN PART IV OF THE DELHI GAZETTE EXTRAORDINARY)
GOVT. NATIONAL CAPITAL TERRITORY OF DELHI

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
DEPARTMENT OF FOOD SUPPLIES & CONSUMER AFFAIRS
'K' BLOCK, VIKAS BHAWAN, L.P. ESTATE, NEW DELHI - 110 002.

NOTIFICATION

Dated the - 28 - 10 - 2002

No. F.12(10)/2000/F&S/Policy/585 In exercise of the powers conferred by sub-clause (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955 read with Govt. of India, Ministry of Petroleum & Natural Gas Order GSR519(E) Dt. 05.06.2000 and S.O. No. 681(E) Dated 30.11.1974 erstwhile M/O Industry & Civil Supplies Deptt. of Civil Supplies & Cooperation, the Administrator of National Capital Territory of Delhi is pleased to make the following order :-

ORDER

1. Short title & commencement :

- (1) This Order may be called the Delhi Solvent, Raffinate & slop (Acquisition, Sale, Storage and prevention of use in Automobiles) order, 2002.
- (2) It extends to the whole of National Capital Territory of Delhi.
- (3) It shall come into force with immediate effect.

2. Definition - In this Order, unless the context otherwise requires:-

- (a) "automobile" means any vehicle registered with the Road Transport Authority by any person where fuel certified for use in such automobile is motor spirit, high speed diesel, liquified petroleum gas or compressed natural gas;
- (b) "Government Oil Company" means an oil refining company or oil making company which is a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1959);
- (c) "high speed diesel" means any hydrocarbon oil (excluding mineral colza oil and turpentine substitute) which meets the requirement 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 requirement of Bureau of Indian 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 authorized to do so by the Central Government;

- (f) "other product" means a product other than solvent, Raffinate or slop as defined hereunder 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.
- (h) "slop" means unfinished product stream generated in any industry during unbalanced period of plant operation;
- (i) "solvent" means volatile fractions derived either directly or indirectly from petroleum or coal and are included in the Schedule."
- (j) "administrator" means the administrator of the Union Territory of Delhi.
- (k) "commissioner" means the Commissioner, Food & Supplies and includes the Deputy Commissioner, Food & Supplies, Assistant Commissioner, Food & Supplies and Food & Supply Officers, Delhi and any other officer authorized by Administrator to exercise the power and to perform all or any of the functions of the Commissioner under this order.

3. Restriction on sale and use of solvent, raffinates, slops and other product:

- (1) No person shall either acquire, store or sell solvent included in the Schedule, without a licence issued by the Commissioner.
Provided that no such licence shall be required for consumption of 50 Kls per month or less and storage of 20 Kls or less of solvents listed in the Schedule combined.
- (2) No person shall either use or help in any manner the use of solvents, raffinates, 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 or trading of solvents, raffinates, 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 Commissioner.
- (4) Any person whosoever is engaged in use of solvents, raffinates, slops or their equivalent and other product, either imported or indigenous for manufacturing of any petrochemicals or any other purpose shall file end use certificates to the Commissioner.

Power of search and seizure:-

- (1) All officers of the Food & Supplies Department not below the rank of Inspector Grade-II and all officers not below the rank of Sub-Divisional Magistrate under the control of Deputy Commissioner, Delhi, in their respective areas of jurisdiction, 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 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 account or other document or any stock of 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 authorize the taking of all measures necessary for securing the production of stock or items so seized before the Commissioner, for their safe custody pending such production.
- (2) While exercising the power of seizure provided under sub-clause (d) of clause (1), the authorized 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 Cr.P.C., 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 authorized 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 authorized 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 shall

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, data, name and signature of the concerned person or his representative.
- (5) The authorized officer shall send the third sample of the product taken under sub-clause (2), within a period of ten 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. Licence

- (1) After such date as may be specified by the Commissioner by Notification published in the Delhi Gazette, no person shall obtain, attempt to obtain, or store for sale or distribution or sell solvent except under and in accordance with terms and conditions of licence granted by the Commissioner.
- (2) Every application for the grant/renewal of licence of any person shall be made to the Commissioner in Form -A.
- (3) An application for renewal of licence shall be so made as to reach the Commissioner not less than thirty days before the date on which the licence expires.

Provided that the Commissioner may entertain an application after the expiry of the said period of thirty days if he is satisfied that the applicant was prevented by sufficient cause from filling the application in time.

- (4) If a licence granted under this order is defaced, lost or destroyed, the licence shall forthwith inform the Commissioner who may on application by the licensee, issue a duplicate licence.
- (5) A separate licence shall be obtained by a dealer for each place of business.
- (6) Every licence granted under this order shall be valid for a period of one year from the date of issue. The fees specified below shall be chargeable in respect of licence namely:

(a) For issue of licence	-	Rs. 500/-
(b) For renewal of licence	-	Rs. 250/-
(c) For duplicate issue of licence	-	Rs. 100/-

Deposit of Security

Every dealer who applies for licence under this Order, shall before a licence is issued to him, deposit with the Commissioner as a security of the value of Rs. 10,000/-, refundable without any interest.

8. Power to refuse to issue or renew a licence

On receipt of an application for licence under this Order, the Commissioner may after making such investigation as it may deem fit, issue, renew or refuse to renew a licence having due regard to:-

- (a) the suitability of the premises for which licence has been applied for: and/or
- (b) the need for licence in a particular area/locality and /or
- (c) any other relevant factor.

9. Contravention of the terms and conditions of licence:

If any licensee or his agent or servant of any other person acting on his behalf contravenes any of the terms and conditions or directions or any provisions of this order then without resorting to any other action that may be taken against the licensee according to law, his licence can be suspended in writing by the Commissioner.

Provided that no such order shall be passed until the appeal if any filed against such order is dismissed and where no such appeal is filed until the period of limitation for filing an appeal expires.

10. Forfeiture of Security Deposit

- (1) Without prejudice to the provisions of Clause 9, if the Commissioner is satisfied that the licensee has contravened any of the terms and conditions of the licence or the directions, and forfeiture of his security deposit is called for, he may after giving the licensee a reasonable opportunity stating his case against the forfeiture by an order forfeit the whole or a part of the security deposited by him and shall forward a copy of the order to the licensee.
- (2) The licensee shall, if the amount of security at any time falls short of the amount specified in clause 7, forthwith deposit further security to make up the deficiency on being required by the Commissioner so to do.
- (3) Upon the 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 or cancellation of the licence.

11. Appeal

A person aggrieved by an order of the officer below the rank of Commissioner, Food & Supplies in respect of refusing to grant or renew a licence, suspending or cancelling a licence or forfeiting the security deposited by him, may prefer an appeal in writing before the Commissioner, Food & Supplies, within thirty days of the receipt of such order.

Provided that the Commissioner, Food & Supplies, may entertain an appeal after the said period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing an appeal within the specified time of thirty days.

Provided further that the amount of security forfeited if any, shall be deposited before filing the appeal.

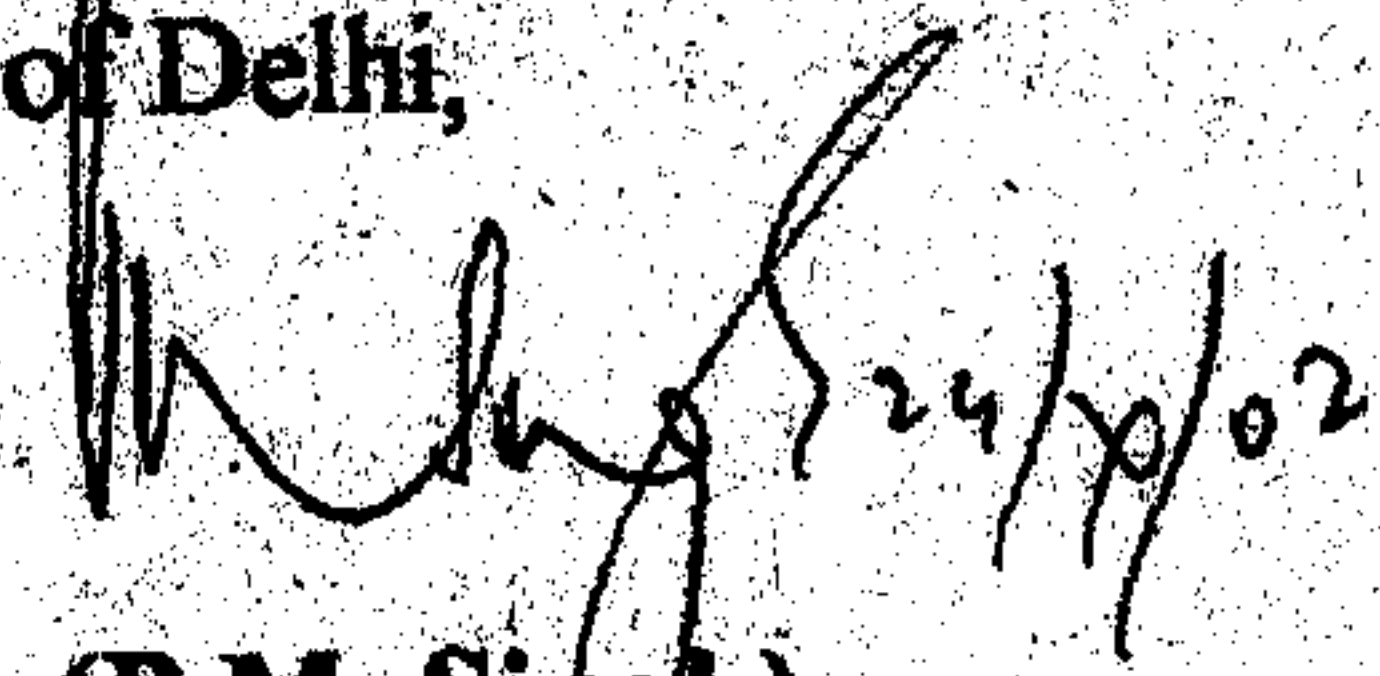
12. Licencing Authority

The Deputy Commissioner (Fuel/Mis. Commodities), Food & Supplies, Govt. of National Capital Territory of Delhi, shall function as the Licencing Authority for the purpose of issue of licence etc. of this order.

13. Exemption

The Administrator may exempt any person or a class or persons from the operation of all or any of the provisions of this order and may at any time suspend or rescind such exemptions.

By order and in the name of
Lt. Governor of National
Capital Territory of Delhi,



(P.M. Singh)

Pr. Secretary-cum-Commissioner
Food & Supplies

Govt. of National Capital Territory of Delhi

FORM-A

FOR ISSUE OF LICENCE FOR SOLVENT RAFFINATE & SLOP (ACQUISITION, SALE, STORAGE AND PREVENTION OF USE IN AUTOMOBILES) ORDER-2002

To

The Commissioner
Food & Supplies Department,
Govt. of NCT of Delhi,
Delhi.

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 of Directors /partners /proprietor(s)

Sr. No.	Name	Office Address	Office Telephone	Residence Address	Residence Tele

5. Names, addresses, telephone of Directors /partners /proprietor(s)

Registration / Licence No.	Date of Issue	Valid upto	Issuing Authority

6. Sales Tax Registration details

- 6a. State Sales Tax

Registration / Licence No.	Date of Issue	Valid upto	Issuing Authority

- 6b. Central Sales Tax

Registration / Licence No.	Date of Issue	Valid upto	Issuing Authority

7. Explosive Licence details

<i>Licence No.</i>	<i>Date of Issue</i>	<i>Valid upto</i>	<i>Storage capacity Licence (in kilolitres)</i>

8. Details of storages

<i>Location</i>	<i>Solvent / Raffinate / Slop</i>	<i>Tank No.</i>	<i>Capacity (in kilolitres)</i>

9. Use of Solvent / Raffinate / Slop for which the licence is required

1. _____
2. _____
3. _____

10a. Quantities of Solvent / Raffinate / Slop for which licence is applied for

<i>Solvent / Raffinate / Slop</i>	<i>Quantity in kilolitres</i>

10b. Material balance for which Solvent / Raffinate / Slop is/are required

I **Process** _____ (**ATTACH DETAILS**)

II. Material balance of each unit of Solvent / Raffinate / Slop consumed
(To be given for each separately)

<i>End Products</i>	<i>Production</i>
Product A	%
Product B	%
Wastage	
Total	100 %

DECLARATION

Certified 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 & truly stated, and if any statement since herein is 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

1. Name of Trader / Processor / Manufacturer / Consumer / Others

2. Type of firm

Partnership Firm

Trader

3. Address Registered Office

4. Name, address, telephone number 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	Validity	Issuing Authority

6. Sales Tax Registration Details

6a. State Sales Tax

Registration Number	Date of Issue	Validity	Issuing Authority

6b. Central Sales Tax

Registration Number	Date of Issue	Validity	Issuing Authority

7. Explosives Licence Details

Licence Number	Date of Issue	Validity	Storage capacity Licensed (in K.L's)

8. Details of Storage

Location	Solvent / Raffinate / Slop	Tank Number	Capacity (in K.L's)

9. Use of Solvent / Raffinate / Slop for which the licence is requires

1. _____
2. _____
3. _____

10. Other conditions of the Licence

11. Details of Solvent / Raffinate / Slop Licence

Licence Number	Date of Issue	Solvent / Raffinate / Slop	Licensed Quantity per year (in K.L's)

Date :

Place :

Signature : _____

Name : _____

Designation : _____

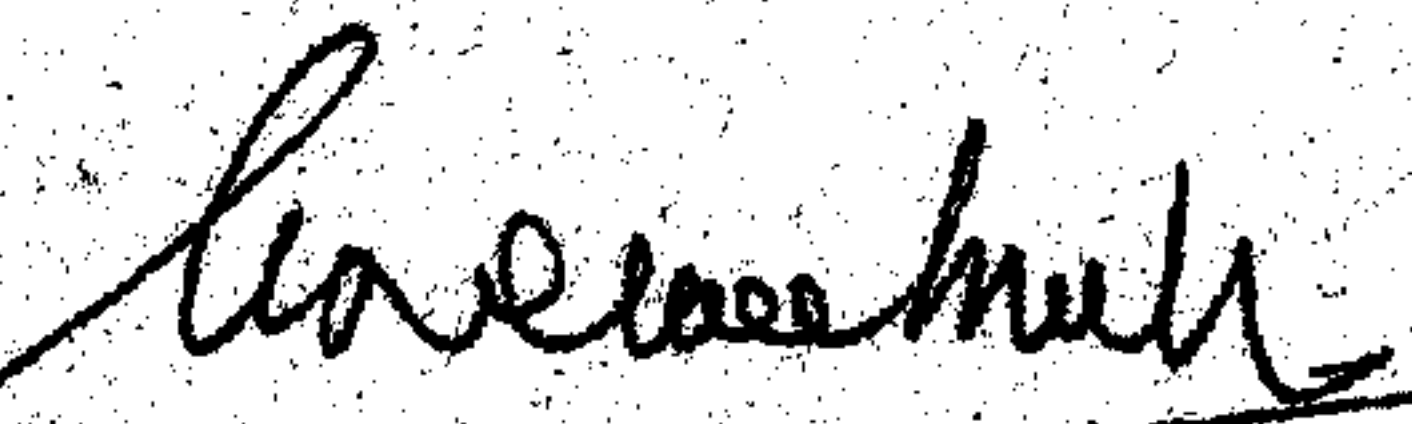
Seal : _____

No.F.12(10)/2000-F&S(P&C)/ 585

Dated: 28-10-2002

Copy forwarded to the following for information and necessary action:-

1. Secretary to the Govt. of India, Ministry of Petroleum & Natural Gas, Shastri Bhawan, New Delhi.
2. Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi.
3. Secretary to L.G./O.S.D. to C.S./ Secretary to MFS, Delhi.
4. All DCs/Acs, Food & Supplies Department, GNCT of Delhi, Delhi.
5. All FSOs, Food & Supplies Department, Delhi.
6. Co-ordination Department, Govt. of Delhi, with Hindi version for publication in Delhi Gazette Extra-ordinary, 10 copies of gazette may kindly be sent to this department for official use (2 copies).
7. Directorate of Information and Publicity, Govt. of NCT of Delhi.
8. Secretary, Delhi Legislative Assembly, Old Secretariat, Delhi.
9. Commissioner of Police, Delhi.
10. Divisional Commissioner, Delhi.
11. Indian Oil Corporation, World Trade Centre, Babar Road, New Delhi-110001.
12. Indo-Burma Petroleum Corporation, Flat 13, A&B, 13th Floor, Hansalya, 15, Barakhamba Road, New Delhi.
13. Hindustan Petroleum Corporation, Jeewan Bharti Building, 11th Floor, Tower-I, Connaught Circus, New Delhi.
14. Bharat Petroleum Corporation, 10th Floor, Jeewan Bharti, Tower-II, Connaught Circus, New Delhi.
15. State Level Coordinator, C/o Hindustan Petroleum Corporation, Jeewan Bharti Building, 11th Floor, Tower-I, Connaught Circus, New Delhi.


(G.S. CHATURVEDI)
Additional Secretary (F&S)