

Naphtha

THE NAPHTHA (ACQUISITION, SALE STORAGE AND PREVENTION
OF USE IN AUTOMOBILES) ORDER, 2000
MINISTRY OF PETROLEUM AND NATURAL GAS
New Delhi. The 5th June 2000
ORDER

G.S.R. 518 (E) – In exercise of the powers conferred by section 3 of the essential commodities Act, 1955 (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 Automobiles) 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 the 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 the 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 requirement of Bureau of India 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 authorized by the Central Government who is engaged in the sale of Motor Spirit and, or High Speed Diesel to consumers and, or the 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 the District Magistrate or any other Officer authorised by the Central or State Governments.

(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 the sale or trading Naphtha, 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 by whatever name called, on a quarterly basis.

(v) Every person whosoever is engaged in 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.

(vi) ♦ *The Central Government may, by order, notify the form required for making application and the format in which license shall be issued under sub-clause (1), and issue guidelines as may be necessary for giving effect to the provisions of this order.*

♦ *Added by corrigendum published in The Gazzete Of India (Extraordinary)*

Dated 30 June 2000

4. Power of search and seizure:-

Any gazetted officer of the Central or the State Government or any police officer not below the rank of Deputy Superintendent of Police duly authorized, by general or special order by the Government or any officers 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 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 provision 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/or 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 hereafter take or authorize 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 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/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 regard 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 and State Govt. 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 notwithstanding anything to the contrary contained in any order made by 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.

[File no. P.11013/1/2000-Dist.]

NARESH NARAD, Add.Secy.

ORDER

New Delhi, the 30th June 2000

G.R.S. 579 (E) - In 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 license shall be made under the said Order, and the Format in which the license shall be issued by the State Government or the district Magistrate or the officer authorized by the Central or the State Government namely: -

APPLICATION FORM

For issue of license for Naphtha under sub-clause (i) 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 authorized 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. Address

3.a Registered office

3b Storage point (s)

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

Serial Number	Name	Office		Residence	
		Address	Telephone	Address	Telephone

5. Industry Registration/ License Details

Registration/ License Number	Date of issue	Valid upto	Issuing Authority

6. Sales Tax Registration Details:

6a. State Sales Tax

Registration Number	Date of issue	Valid upto	Issuing Authority

6b. Central Sales Tax

Registration Number	Date of issue	Valid upto	Issuing Authority

7. Explosives License Details

License Number	Date of issue	Valid upto	Storage capacity Licensed (in kiloliters)

8. Details of Storage

Location	Naphtha	Tank Number	Capacity (in kilolitres)

9. Use of Naphtha for which the license is required

1. _____
2. _____
3. _____
- ... _____
- ... _____

10a. Quantities of Naphtha for which License is applied for

Naphtha	Quantity in kilolitres

10b. Material balance for which is Naphtha is required
(Attach details)

I. Process _____

II. Material balance of each unit of Naphtha consumed
(To be given for each separately)

End Products	Production
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 and truly stated, and if any statement made herein is found to be incorrect, I shall be liable for action under the provisions of law.

Date: _____

Signature: _____

Place: _____

Name: _____

**FORMATION IN WHICH THE LICENCE SHALL BE ISSUED BY THE STATE GOVERNMENTS/
THE DISTRICT MAGISTRATES/ UNION TERRITORY ADMINISTRATIONS/
GOVERNMENT OF INDIA**

[See clause 3 (1)]

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

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

3. Addresses

3a Registered office

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3b Storage Point (s)

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4. Name, addresses, telephone numbers of Directors/ partners/ Proprietor (s)

Serial Number	Name	Office		Residence	
		Address	Telephone	Address	Telephone

5. Industry Registration/ License Details

Registration/ License Number	Date of issue	Valid upto	Issuing Authority

6. Sales Tax Registration Details

6a. State Sales Tax

Registration/ License Number	Date of issue	Valid upto	Issuing Authority

6b. Central Sales Tax

Registration Number	Date of issue	Valid upto	Issuing Authority

7. Explosives License Details

Registration Number	Date of issue	Valid upto	Storage capacity Licenced (in kilolitres)

8. Details of Storage

Location	Naphtha	Tank Number	Capacity (in kilolitres)

9. End use of Naphtha for which the license is granted

1. _____
2. _____
3. _____
- ... _____
- ... _____

10. Other conditions of the License

- _____
- _____
- _____

11. Details of Naphtha License

License Number	Date of Issue	Valid upto (*)	Naphtha	Licensed Quantity per year (in kilolitres)

(*) Licence shall be issued for a period of one year and thereafter shall be renewed for two years on each occasion.

Date: _____

Place: _____

Signature: _____

Name : _____

Designation: _____

Seal: _____

SHIV RAJ SINGH, Jt. Secy.
[F. No.P-11013/4/98-Dist.]