Chapter XXXII

THE MAHARASHTRA NAPHTHA (LICENSING) ORDER, 2009.

Food, Civil Supplies And Consumer Protection Department

Mantralaya, Mumbai 400 032.

Dated 14th January 2009

NAPHTHA (ACQUISITION, SALE, STORAGE AND PREVENTION OF USE IN AUTOMOBILES) Order, 2000.

No Naphtha-1008/CR. 55/CS-24 -In pursuance of provisions of sub-clause (i) of clause 3 of the Naphtha (Acquisition, Sale, Storage and Prevention of Use in Automobiles) Order, 2000 and of all other powers enabling in this behalf, and in super session of the Maharashtra Naphtha (Acquisition, Sale, Storage and Prevention of Use in Automobiles) Licensing Order, 2000 and any other Order, Notification or Instrument, in force, the Government of Maharashtra hereby makes the following Order, namely:-

1. Short Title and extent.

(a) This Order may be called "The Maharashtra Naphtha (Licensing) Order, 2009".

(b) It extends to the whole of the State of Maharashtra.

2. Definitions.

In this Order, unless the context otherwise requires -

(1)(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, Liquified Petroleum Gas or Compressed Natural Gas;

(b) **"Collecior"** means the Collector of the district and includes the Additional Collector, the District Supply Officer, the Sub-Divisional Officer, the Assistant District Supply Officer, Foodgrains Distribution Officer in the areas mentioned in Schedule-1 appended to the Maharashtra Scheduled Foodgrains (Regulation of Distribiltion) Order, 1966, and such other Officer or Officers as may be authorized by the Collector in this behalf;

(c)**"Commissioner"** means a Commissioner for a Division appointed under the Maharashtra Land Revenue Code, 1966 and includes an Additional Commissioner and Deputy Commissioner (Supply) ; -

(d)**"Consumer"** means a person who is engaged in actual use of Naphtha and has procured a licence under this Order for the acquisition, consumption and storage for consumption of Naphtha; -

(e)**"Controller of Rationing and Director of Civil Supplies"** means a Controller of Rationing appointed by the Government and includes a Deputy or Assistant Controller of Rationing;

(f)**"Form"** means the Form appended to this Order;

(g)**"Government"** means the State Government of Maharashtra;

(h)**"Licence"** means a licence issued under this Order;

(i)**"Licensee"** means a person holding a licence issued under this Order;

(j)**"Licensing Authority"** means Order in respect of the Murnbai-Thane Rationing Area; the Controller of Rationing and Director of Civil Supplies, Mumbai and elsewhere the Additional Collectors, in their respective areas;

(k)**"Schedule"** means the Schedule appended to this Order;

(1)**"Storage premises"** means the premises approved or licenced by the Chief Controller of Explosives appointed under Indian Explosives Act, 1884;

(m)**"Tankage Service Provider"** means a person who provides tankage facility for storage of Naphtha without actually acquiring, consuming or selling it and has procured a licence in Form II-A under this Order for the storage of Naphtha;

(2)Words and expressions used in this order but not defined herein shall have the meanings respectively assigned to them in the Naphtha (Acquisition, Sale, Storage and Prevention of Use in Automobiles) Order, 2000 or in the Essential Commodities Act, 1955.

3. Prohibition against acquisition, storage, sale, storage for sale orconsumption without licence.

(a) No person shall either acquire, store, sell, or consume Naphtha, except under and in accordance with the terms and conditions of a licence issued in this behalf by the Licensing Authority;

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(b) No person shalt import in the State of Maharashtra, Naphtha, unless he has obtained a licence in

Form I-A for it's acquisition, storage, sale, storage for sale or consumption under this order;

(c) No person, shall either acquire Naphtha except from an oil company or a licensee or sell Naphtha to any person except a licensee;

(d) No person shall either use or help in any manner, the use of Naphtha in any automobile;

(e) No person shall either use or help in any manner adulterating of Motor Spirit or High Speed Diesel with Naphtha;

(f) No person, a licensee, an oil company or otherwise shall sell Naphtha, to any person other than a licensee.

4. Application for licence.

An application for grant of a licence for acquisition, storage, sale, storage for sale or consumption of Naphtha shall be made under this Order to the Licensing Authority in

Form I or Form II, as the case may be, for this purpose alongwith the licence fee, as specified in the Schedule:

Provided that, any person, who immediately, before the commencement of this Order, holding a licence issued under the Maharashtra Naphtha (Acquisition, Sale, Storage and prevention of use in automobiles) Licensing Order, 2000 shall apply for the issue of licence under this Order within a period of Forty five days from the date of commencement of this Order.

5. Security Deposit.

Every person applying for a licence, shall, before such licence or registration is issued to him, deposit in cash with the Licensing Authority, the security deposit as Specified in the Schedule, for the due performance of the terms and conditions of the licence or registration to be issued to him.

6. Issue of Licence.

The Licensing Authority shall, on receipt of the duly completed application for a licence in the Forms I-A and II-A, as the case may be, and on the payment of the prescribed licence fee and security deposit, and after making such inquiry as he may deem fit,

issue the licence within a period of 45 days, from the date of receipt of duly completed application.

7. Period of licence

Every licence issued under this Order shall be valid for a period of one year from the date of issue.

8. Renewal of licence.

(a) Every licensee, who desires to get his licence renewed, shall apply for the renewal thereof in Form I-A alongwith the annual renewal fee, not less than 20 days before the date of its expiry;

9. Late fee for failure to renew licence in time.

Every application for the renewal, made after the expiry of the period mentioned in the sub-clause (a) of clause **8,** shall he accompanied with a late fee of Rupees 200 per day.

10.Replacement of defaced, lost or destroyed licence.

If a licence issued under this Order is defaced, lost or destroyed, then an application in specified Form along with such information, as may be required by the licensing authority shall be made to that Licensing the Authority for obtaining a duplicate licence and Licensing Authority may, after charging a fee of rupees one hundred, after making such inquiry as he may think fit, issue a duplicate licence.

11.Power to refuse grant of licence or it's renewal.

The Licensing Authority may, after giving the applicant an opportunity for stating his case and for reasons to be recorded in writing, refuse to grant or renew a licence.

12.Provision for cancellation or suspension of licence

On contravention of any of the terms or conditions of the licence or non compliance of any of the directions or instructions issued by the Government or Licensing Authority, by a licensee or his agent or servant or any other person acting on his behalf, the

Licensing Authority may, by order in writing, without prejudice to any, other action that may be taken against the licensee, suspend or cancel the licence:

Provided that, no order shall be made under this clause unless the licensee has been given a reasonable opportunity for stating his case against the proposed cancellation or suspension.

13.Forfeiture of security deposit.

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(a) Without prejudice to the provisions of clause 12, if the Licensing Authority is satisfied that the licensee has **contravened** any of the terms and conditions of the licence or has not complied any of the directions or instructions issued by the Government or Licensing Authority and that a forfeiture of the security deposit is called for, he may, after giving the licensee a reasonable opportunity for stating his case against the forfeiture by order, forfeit the whole or any part of the security deposit, deposited by him and communicate a copy of the Order to him:

Provided that, where a cancellation of the licence is duly ordered by the licensing authority, the order of cancellation shall also be accompanied by an order forfeiting the entire security deposit.

(b) The Licensee shall, if the amount of security deposit at any time, falls short of the amount specified in Schedule, forthwith deposit further security to make up that amount on being required by the Licensing Authority to do so.

(c) Where the licensee surrenders his licence to the Licensing Authority, before the expiry of or within 30 days from the date of expiry of the licence, the Licensing Authority shall refund to the licensee the whole of the amount of security deposit or, such part thereof that has not been forfeited.

14.Penalty.

Without prejudice to the penalty which may be imposed under the act and without prejudice to the provisions of clause 12 and clause 13, if the licensing authority is satisfied that any person, a licensee or otherwise has contravened any of the provisions of this order or has not complied any of the directions or instructions issued by the licensing authority after giving the concerned person a reasonable opportunity of showing cause impose on him a penalty which shall he upto 100% of the value of goods seized or the products or items as regards to which the violation has taken place.

15.Maintenance of register of accounts.

Every licensee shall maintain register of accounts laid down in terms and conditions of his licence and such other records as the Government or the Licensing Authority may order from time to time

Provided that, all such records should be maintained at the actual place of storage and consumption of the licensee and at the office also.

16.Filing of End Use Certificate.

(a) Every person whosoever is engaged in acquisition, storage, sale, consumption or' storage for sale or consumption of Naphtha, shall file end-use certificates in Form as prescribed by the Licensing Authority, the consumers to whom he sells

and also furnish customer wise' safe's to the Licensing Authority, on a quarterly basis. 'Such certificate shall be in Form as prescribedby the Licensing Authority, to be filled in by the Department before me.

(b) Every person whosoever is engaged in acquisition, storage consumption of Naphtha, shall file end-use certificates to the Licensing Authority, on a quarterly basis.

17.Power to issue directions.

(a) The Government may, if it feels necessary, to do so, issue directions to the licensing authority, the licensee or otherwise, which in his opinion may be necessary to ensure the objective of this order

(b) The Licensing Authority may, if it feels necessary, to do so, issue directions which are not inconsistent with the provisions of any prevailing order issued by the Central or the State Government, to the licensee or otherwise, which according to it may be necessary to ensure the objective of this order.

18.Power of entry, search and seizure.

(a) The Controller of Rationing and Director of Civil Supplies, Deputy Controller of Rationing, Assistant Controller of Rationing, Divisional Commissioner, Deputy Commissioner (Supply), District Collector, Additional Collector, District Supply Officer, Sub-Divisional Officer, Assistant District Supply Officer, Tahsildar and Foodgrains Distribution Officer, Assistant Foodgrains Distribution Officer, all Police Officers not below the rank of Deputy Superintendent, within their respective jurisdiction, with a view to secure compliance of this order or to satisfy himself that this order has not been contravened and with such assistance, if required, as he thinks fit, -

(i) enter, search any place or premises, being made use of or suspected to be made use of in the business of acquiring, selling, storing for sale Naphtha, vehicle or any other person who is an employee or agent of such person acquiring, selling, storing for sale Naphtha 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;

(ii) stop and search, any person or vehicle or receptacle used or intended to be used for the movement of the Naphtha or using or receiving the Naphtha in contravention of this order;

(iii) inspect any book of accounts or documents or any stock of the Naphtha used or suspected to be used in acquiring, selling, storing for sale of Naphtha, or any other person suspected to be an employee or agent of the person acquiring, selling, storing for sale of Naphtha;

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(iv) take samples of the Naphtha and / or seize any of the ,stocks of the Naphtha which the authorised 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 and for their safe custody pending such production;

(v) while exercising the power of seizure provided under sub -clause (iv) of this clause, the authorized officer shall record in writing the reasons for doing so, a copy of which shall be given to the person acquiring, selling, storing for Naphtha.

(b) The provisions of section 100 of the Code of Criminal Procedure, 1973, relating to search and seizure shall, so far as may be, apply to searches and seizure under this order.

19.Sampling of Product.

(a) The officer authorized in clause 18, of this order may draw the sample from the tank, nozzle, vehicle or receptacle, as the case may be, to check whether the provisions of this order have been or are being contravened.

(b) The officer authorized in clause 18 shall take, sign and seal three samples of 750 ml. to 1 litre each of theproduct, 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 with the inspecting authority and the third to be used for laboratory analysis.

(c) Samples shall be taken in clean glass or aluminium containers.

(d) 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 in'ormation as regards the product, place of seizure, quantity of sample, date, name and signature of the concerned person or his representative.

(e) The authorized officer shall send the third sample of the product taken under sub-clause (2), as far as possible but not later than 10 days of the sample to any of the laboratories specified in the Schedule appended to the Motors Spirit and High Speed Diesel (Regulation of Supply and Distribution and Prevention of Mal-practices) Order, 2005 for the purpose of analysis of samples to check the product.

20.Power to grant exemptions.

The Government may, if it is necessary in the public interest, to do so, by order, exempt any person or class of persons from the operation of all or any of the provisions of this order for such period and subject to such conditions (if any), as may be specified, and may, at any time, suspend or cancel such exemption.

The Maharashtra Naphtha (Licensing) Order, 2009

21.Appeal.

(a) Any person aggrieved by any order of a Licensing Authority made under clause 11,12,13 or 14 of this order may appeal in Mumbai-Thane Rationing area to the Government, and elsewhere to the Commissioner of the Division.

(b) Every such appeal shall be made within thirty days from thedate of receipt of the order passed against the person appealing Provided that, the Appellate Authority may, admit an appeal after the expiry of the said period if, the appellant satisfies the Appellate Authority that he had sufficient and reasonable cause for not preferring the appeal within the said period.

(c) No order shall be made by the Appellate Authority under this clause unless the aggrieved person has been given are asonable opportunity of stating his case.

(d) Pending the disposal of the appeal, the Appellate Authority may direct that the order of the Licensing Authority shall not take effect until the appeal is disposed off.

22.Revision.

(a) The Government may, on an application made or *suo-rnotu* at any time before the expiry of two years from the date of any order, passed by the Licensing Authority or any other competent authority under this order and in which no appeal has been filed or an appeal, if any, is filed and disposed of, cal) for the record of the proceedings underlying such order for the purpose of satisfying itself as to the legality or propriety of such order or as to the regularity of such proceedings and if it shall appeal to the Government that such order or proceedings should be modified, annulled or confirmed, it may pass such order as it deems fit

Provided that, the Government may, at any time, during the pendency of the enquiry or proceeding may call for and examine the records of any such enquiry or proceeding and pass such order thereon as it thinks fit:

Provided further that, no order shall be made under this clause unless the person who is likely to be aggrieved thereby has beer given a reasonable opportunity of pleading his case :

Provided further that, before rejecting any application for the revision of any such order, the Government shall record reason for such rejection.

(b) Pending the disposal of the revision proceedings under this clause, the Government may direct that the order passed by the Licensing Authority or other competent authority shall not take effect until an order is passed by it.

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Schedule

(See clauses 2,3,4,5,6,7 and 8)

Sr. No.	Specification	Consumer's Licence	Tankage Licence
(1)	(2)	(3)	(4)
1.	Purpose of Acquisition, Licence	Storage for sale and consumption	Storage
2.	Application Form	Form I	Form II
3.	Form of Licence	Form I-A	Form II-A
4.	Period of Licence	One Year	
5.	Licensing Authority	*In case of Mumbai-Thane Rationing area-The Controller of rationing and the Director of Civil Supplies, Mumbai, *Rest of Maharashtra-The Additional Collector within their respective Jurisdiction.	
6.	Licensing Fee	(1) Rs. 500/-	
			Rs
7.	Security Deposit	(1) Upto 100 KL per month	20,000
		(2) 101 KL to 200 KL per month	40,000
		(3) 201 KL to 500 KL per month	60,000
		(4) 501 KL to 1000 KL per month	1,50,000
		(5) 1001 KL to 2000 KL per month	3,00,000
		(6) 2001 KL to 5000 KL per month	6,00,000
		(7) 5001 KL to 10,000 KL per month	10,00,000
		(8) 10,000 KL or above per month	15,00,000
8.	Renewal Period	Two Years	
9.	Renewal fee per year	Equivalent to licence fee	

FORM 1

(Application form for Consumers Licence)

(See clauses 2, 4, 5, 6)

(Affix a recent passport size photograph here)

To
The Licensing Authority
At ——————

(1)Name of the Applicant _____

(2)Type of firm. _____

(3)Details of Partners/Proprietors/Directors

Sr. No.	Name	Office Address	Office Telephone No.	Residence Address	Residence Telephone No.
1.					
2.					

(4)Address of Registered office of the firm -

(5)Area of Operation

(6)Industry Registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

(7)State Sales Tax Registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

(8)Central Sales Tax Regitration:

Registration No.	Date of registration	Validity Date	Issuing Authority

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(9)Maharashtra Pollution Control Board's NOC :

NOC No.	Date of Issue	Validity Date	Issuing Authority

(10)Explosives license details:

License No.	Date of issue	Validity Date	Issuing authority	Licensed Capacity (KL)

(11) Storage Details:

Location (Address)	Capacity (KL)	Whether assigned for any other license, if yes details.

(12)Monthly capacity for which licence is required : _____ KL

(13)Use of Naphtha for which licence is required

(14)Process of consumption

(15)Supply source and route of transportation :

Supply Source	Route of transportation

(16)Any other relevant information the applicant wishes to declare:

I hereby declare that I have carefully read all the terms and conditions for this licence and shall abide by all the prevailing by any competent authority in this regard. I also declare that all the information furnished in and along with this application is correct, complete and truly stated. If any of the information is found to be incorrect, incomplete or false, I shall be liable for action under the provisions of law.

Date :

Place : (Name and Signature of the Applicant)

FORM II

(Application form for Tankage Licence) (See clauses 2(1), (g), (i), (o) 3,4,5,6,7,8 of the order)

(Affix a recent passport size photograph here)

To
The Licensing Authority
At ——————

(1)Name of the Applicant _____

(2)Type of firm. _____

(3)Details of Partners/Proprietors/Directors

Sr. No.	Name	Office Address	Office Telephone No.	Residence Address	Residence Telephone No.
1.					
2.					

(4)Address of Registered office of the firm -

(5)Shop and Establishment Registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

(6)State Sales Tax Registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

(7)Central Sales Tax Regitration:

Registration No.	Date of registration	Validity Date	Issuing Authority

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(8) Explosives license details:

License No.	Date of issue	Validity Date	Issuing authority	Licensed Capacity (KL)

(9) Storage Details:

Location (Address)	Capacity (KL)	Whether assigned for any other license, if yes details.

(10)Capacity for which licence is required : _____ KL.

(11) Any other relevant information the applicant wishes to declare

I hereby declare that I have carefully read all the terms and conditions for this licnece and shall abide by all the prevailing as well as relevant Orders and Instructions issued from time to time by any competent authority in this regard. I also declare that all the information furnished in and along with this application is correct, complete and truly stated. If any of the information is found to be incorrect, incomplete or false, I shall be liable for action under the provisions of law.

Date :

Place : (Name and Signature of the Applicant)

FORM I A

(Format for the consumers Licence)

(See clauses 2(1) (d), (g), (i), 3,4,5,6,7,8 of the order)

(Affix a recent passport size photograph here)

(1)Licence No.

Subject to the provisions of the Maharashtra Naphtha (Licensing) Order, 2009 and to the terms and conditions of this licence and all other instructions and orders issued by the Government or the Licensing authority from time to time in this behalf (Name of Licensee) is hereby authorized to Acquire, store and consume Naphtha.

The Maharashtra Naphtha (Licensing) Order, 2009

(2)Address of Registered office of the firm :

(3)Area of Operation :

(4)Industry registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

(5)State Sales Tax Registration :

Registration No.	Date of registration	Validity Date	Issuing Authority

(6)Central Sales Tax Regitration:

Registration No.	Date of registration	Validity Date	Issuing Authority

(7)Maharashtra Pollution Control Board's NOC :

NOC No.	Date of Issue	Validity Date	Issuing Authority

(8)Explosives license details:

License No.	Date of issue Date	Validity	Issuing authority	Licensed Capacity (KL)

(9)Storage Details:

Location (Address)	Capacity (KL)	Whether assigned for any other license, if yes details.

(10)Use of Naphtha:

(11) Monthly capacity of licence _____KL.

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(12)The licensee shall maintain true and proper records and accounts of all the transactions related to the Acquisition, storage and consumption of Naphtha and all other records as expected from him or as directed by the Government or the Licensing Authority *and* shall submit quarterly end. . . . . use certificates to the Licensing Authority.

(13)The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorized by aim for inspection of his stocks and accounts of Naphtha and

produce the licence for inspection of his stocks and accounts of Naphtha and produce the licence for inspection on demand.

(14)The licensee shall comply with any directions that may be issued to him by the Government or by the licensing authority or by any officer authorized by the Licensing Authority in this behalf, in regard to the methods of Acquisition, Transport, Storage and consumption of Naphtha which the Government or licensing authority or any officer authorized by the licensing authority may deem fit.

(15)(Any other conditions which the licensing authority feels necessary).

(16)This licence shall be valid upto …….

(17)Details of renewal of licence ……..

Due date of renewal	Actual date of renewal	Validity date of renewal	Sign, date and seal of Licensing Authority

Date :

Place :

Licensing Authority.

FORM II A

(Format for the Tankage Licence)

[(See clause 2(1) (m)] (Affix a recent passport size photograph here)

(1)Licence No.

Subject to the provisions of the Maharashtra Naphtha (Licensing) Order, 2009 and to the terms and conditions of this licence and all other instructions and orders issued by

The Maharashtra Naphtha (Licensing) Order, 2009

the Government or the Licensing authority from time to time in this behalf (Name of Licensee) is hereby authorized to Store Naphtha only.

(2)Address of Registered Office of the Firm

(3)Shop and establishment Registration :

Registration No. Date of registration Validity Date Issuing Authority

(4)State Sales Tax Registration :

Registration No. Date of registration Validity Date Issuing Authority

(5)Central Sales Tax Regitration:

Registration No. Date of registration Validity Date Issuing Authority

(6)Explosives license details:

License No. Date of issue Validity Date Issuing authority Licensed Capacity (KL)

(7)Storage Details:

Location (Address) Capacity (KL) Whether assigned for any other license, if yes details.

(8)Capacity of licence …….. KL.

(9)The licensee shall maintain true and proper records and accounts of all the transactions related to the storage of Naphtha and shall also maintain all other records as expected from him or as directed by the Government or the Licensing Authority and shall submit quarterly end-use certificates to the Licensing Authority.

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(10)The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorized by him for inspection of his stocks and accounts of Naphtha and produce the licence for inspection of his stocks and account of; Naphtha and produce the licence for inspection on demand.

(11) The licensee shall comply with any directions that may be issued to him by the Government or by the Licensing Authority or by any officer authorized by the Licensing Authority in this behalf, in regard to Storage of Naphtha which the Government or licensing authority, or any officer authorized by the licensing authority may deem fit.

(12)The licensee shall not store the Naphtha for any person except that of a licensee as defined under this order:

(13)(Other conditions which the licensing authority feels necessary).

(14)This licence shall be, valid upto……..

(15)Details of renewal of licence……..

Due date of renewal	Actual date of renewal	Validity date of renewal	Sign, date and seal of Licensing Authority

Date :

Place :

Licensing Authority

By order and in the name of the Governor of Maharashtra,

Dr. A. T. Kumbhar,

Deputy Secretary to Government