

## **Naphtha (Acquisition, Sale, Storage and Prevention of use in Automobile) Order, 2000**

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## **Naphtha (Acquisition, Sale, Storage and Prevention of use in Automobile) Order, 2000**

Ministry of Petroleum and Natural Gas, Order No. G.S.R. 518(E), dated June 5, 2000, published in the Gazette of India, Extra., Part II, Section 3(i), dated 5th June, 2000, pp. 4-7, No.317 [F. No. P. 11013/1/2000-Dist.} In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (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 Naphtha (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 also a government company as defined in Section 617 of the Companies Act, 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 Indian 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 degree Centigrade or less;

(f) "Oil Company" means any person, firm or company authorised by the Central Government who is engaged in the sale of Motor Spirit or High Speed Diesel to consumers or 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 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 sale or trading of Naphtha either imported or indigenous, for any purpose, whatsoever, shall file end-use certificates from consumers to whom he sells and also furnish customer-wise sales to the District Magistrate or the State Civil Supplies Authorities by whatever name called, on a quarterly basis.

(v) Every person whosoever is engaged in actual 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.

#### **4. Power of Search and Seizure :-**

(1) Any Gazetted Officer of the Central or State Government or any Police Officer not below the rank of Deputy Superintendent of Police duly authorised, by general or special order by the Government or any officers of a Government Oil Company or any other Oil Company authorised by 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 provisions of this order have been/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 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 (10 of 1955) and for their safe custody pending such production.

(2) While exercising the power of seizure provided under Clause 1(d) 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 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), 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 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, etc :-**

The provisions of this Order shall have effect notwithstanding

anything to the contrary contained in any order may 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.