

Aviation Turbine Fuel (Regulation of Marketing) Order, 2001

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Aviation Turbine Fuel (Regulation of Marketing) Order, 2001

Ministry of Petroleum and Natural Gas, Order No. G.S.R. 241(E), dated March 31, 2001, published in the Gazette of India, Extra., Part II, Section 3(i), dated 1st April, 2001, pp. 6-13, No. 162 [F. No. P-11013/1/2001/Dist.] 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 and commencement :-

(1) This Order may be called the Aviation Turbine Fuel (Regulation of Marketing) Order, 2001.

(2) 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,

(i) "adulteration" means introduction of any foreign substance into

aviation turbine fuel illegally or unauthorisedly with the result that the product does not conform to the requirements of the Bureau of Indian Standards specifications;

(ii) "aviation turbine fuel" means petroleum distillate which conforms to the requirements of Bureau of Indian Standards specifications;

(iii) "consumer" means a person who purchases products directly from an Oil Company and stores and utilises the products for his own consumption and shall include his representatives, employees or agents;

(iv) "market" means the conditions or opportunities for the act of buying and selling;

(v) "oil company" means the Indian Oil Corporation Limited, the Hindustan Petroleum Corporation Limited, the Bharat Petroleum Corporation Limited, IBP Co. Limited or any person, firm or company authorised by the Central Government who is engaged in the sale of aviation turbine fuel directly to consumers in accordance with the stipulations laid down by the Central Government from time to time;

(vi) "transporter" means a person authorised by an Oil Company or a consumer to transport aviation turbine fuel and shall include his representatives, employees or agents;

(vii) "transportation fuels" means and includes Aviation Turbine Fuel (ATF), High Speed Diesel (HSD), Motor Spirit (MS) and such other fuels that may be declared to be as such by the Government from time to time.

3. Restrictions on marketing and use of aviation turbine fuel :-

(a) no person other than those authorised by the Central Government shall sell aviation turbine fuel;

(b) oil company, authorised to sell aviation turbine fuel, shall maintain quality control and quality control checks at various stages including storage, transportation and refuelling;

(c) no person shall adulterate or help in any manner adulterating of aviation turbine fuel with any foreign substance.

4. Application for use of authorisation by the Central

Government to market Aviation Turbine Fuel :-

Whosoever desiring to secure authorisation to sell aviation turbine fuel shall submit application to the Central Government as per the form given in Schedule-1.

5. Application fee :-

An amount of Rs 1 lakh shall be paid as application fee along with the application either by way of banker's cheque or demand draft in favour of Pay and Accounts Officer, Ministry of Petroleum and Natural Gas payable at New Delhi.

6. Authorisation to market Aviation Turbine Fuel :-

If Central Government, after scrutiny of the application is satisfied that the applicant fulfills the conditions laid down by the Government for marketing of transportation fuels, authorisation to market aviation turbine fuel shall be issued as per the format specified in Schedule-11.

7. Validity of authorisation to market Aviation Turbine Fuel and application for renewal :-

After scrutiny of the applications, the Central Government may issue authorisation to sell aviation turbine fuel for a period not exceeding two years. Person, firm or Company desiring renewal of the authorisation to sell aviation turbine fuel shall submit fresh application to the Central Government as per Schedule-1 at least 60 days before the expiry of validity of the authorisation.

8. Power of search and seizure :-

(A) 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 Central Government or State Government as the case may be or any officer of the concerned oil company duly authorised in this behalf not below the rank of Sales Officer may, with a view to securing compliance of the provisions of this order, or for the purpose of satisfying himself that this order or any order made thereunder has been complied with

(i) enter and search any place or premises being made use of or suspected to be made use of 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;

(ii) stop and search any person or vehicle or receptacle used or

intended to be used for movement of aviation turbine fuel;

(iii) inspect any book of accounts or other documents or any stock of aviation turbine fuel used or suspected to be used in contravention of the provisions of this order;

(iv) take samples of aviation turbine fuel and/or seize any of the stocks of aviation turbine fuel 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 provision of the Essential Commodities Act, 1955 (10 of 1955) and for their safe custody pending such production.

(B) while exercising the power of seizure provided under Para 8(A) (iv) the authorised officer shall record in writing the reasons for doing so, a copy of which shall be given to the oil company, transporter, consumer or any other concerned person.

(C) the provisions of S.100 of 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.

9. Sampling of Aviation Turbine Fuel :-

(a) the officer authorised in Para 8 shall draw the sample from the tank, refueller, pipeline, vehicle or receptacle as the case may be to check whether aviation turbine fuel conforms to the requirements of Bureau of Indian Standards specification;

(b) samples shall be taken in clean glass or aluminium containers. Plastic containers shall not be used for drawing samples;

(c) the officer authorised in Para 8 shall take, sign and seal 3 samples of 1 litre each of aviation turbine fuel. The sample label should be jointly signed by the officer who has drawn the sample, and the concerned oil company or concerned person or his representative and the label shall contain information as regards name of the oil company/person, quantity of sample, date, name and signature of the officer, name and signature of the oil company or of the concerned person or his representative;

(d) 1 sample of aviation turbine fuel would be given to the oil company or transporter or concerned person or his representative under acknowledgement with instruction to preserve the sample in

his safe custody till the testing or investigations are completed, 1 sample would be kept by the officer authorised and the remaining 1 sample would be used for laboratory analysis;

(e) the authorised officer shall send the samples of aviation turbine fuel taken under sub-para (b) within 10 days to any of the laboratories, authorised by the Director General Civil Aviation, Ministry of Civil Aviation and Director General Aeronautical Quality Assurance, Ministry of Defence, to test aviation turbine fuel samples for analysing with a view to checking whether aviation turbine fuel conforms to the requirements of Bureau of Indian Standards specifications. The authorised laboratory should furnish the test report to the authorised officer within 10 days of receipt of sample at the laboratory. The authorised officer shall communicate the test result to the concerned oil company or transporter or person within 5 days of receipt of test results from laboratory.

10. Power of Central Government to issue directions :-

The Central Government may, from time to time, by a general or special order issue to any oil company, transporter or consumer or any other person, such directions as it considers necessary regarding storage, sale, transportation and disposal of aviation turbine fuel and upon the issue of such directions, such oil company, transporter or consumer shall be bound to comply therewith.

SCHEDULE 1

SCHEDULE

SCHEDULE 2

SCHEDULE