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कार्यालयीन उद्देश्य के सभी पत्रादि "मुख्य विस्फोटक नियंत्रक" के पदनाम से भेजे जाएं, उनके व्यक्तिगत नाम से नहीं।

All communications intended for this Office should be addressed to the 'Chief Controller of Explosives' and NOT to him by name.



भारत सरकार

GOVERNMENT OF INDIA

पेट्रोलियम तथा विस्फोटक सुरक्षा संगठन

Petroleum and Explosives Safety Organisation

(पूर्व नाम - विस्फोटक विभाग)

(Formerly- Department of Explosives)

"ए"-ब्लॉक ii, पाँचवा तल, केन्द्रीय कार्यालय परिसर ii,

"A" Block, 5th Floor, CGO Complex,

सेमिनरी हिल्स, नागपूर - 440 006 (महाराष्ट्र)

Seminary Hills, Nagpur- 440006

संख्या /No. G.40(Misc) R.Min

दिनांक / dated 14/03/2023

CIRCULAR

Sub: **Revision of Safe Axle Weights for vehicles licensed under the Petroleum Rules, 2002 and Static and Mobile Pressure Vessels (Unfired) Rules, 2016-Reg**

Ministry of Road Transport and Highways, (Transport Division) vide letter No. RT11028/11/2017-MVL dated 07/08/2018 conveyed that the permissible safe axle weight for different configurations of the axles of transport vehicles had been revised vide gazette notification S.O. 3467(E) dated 16/07/2018 and S.O. 3881 (E) dated 06/08/2018.

As a result of aforesaid notifications, the vehicle models **which have been type approved before 16/07/2018** can be allowed for carrying additional pay load of petroleum or compressed gas as per revised maximum safe axle weights in any combination of axles in trucks, tractors and trailers subject to overall revised maximum permissible gross vehicle weight limits.

All the new models which are approved **on or after 16/07/2018** shall be tested for higher axle loads in force by the testing agencies authorized to issue type approval certificate under Rule 126 of Central Motor Vehicle Rules, 1989.

On perusal of above said letter of MoRTH, it is clear that the vehicles which are approved before 16/07/2018 shall not be once again tested for higher axle loads by the testing agencies authorized to issue type approval certificate under Rule 126 of Central Motor Vehicle Rules, 1989. However, Transport Departments of the State have to take necessary action to incorporate revised gross vehicle weights in the registration particulars of the transport vehicles.

In view of the above, the officers of Circle and Sub Circle offices of PESO prior to grant or amendment of license of petroleum road tankers or compressed gas mobile pressure vessels, shall ensure that the revised axle weights and gross vehicle weight are duly endorsed in the registration certificate by the transport department of the respective States. Further, mounting drawing shall be approved by Chief Controller of Explosives, Nagpur for revised maximum permissible safe axle weights for different configuration of axles of transport vehicles.

(P. Kumar)

Chief Controller of Explosives

To,

All the Officers of PESO (Through PESO's Support Site)
All Stakeholders (Through PESO Website)

TAMILNADU PETROLEUM DEALERS ASSOCIATION

Communication Address : No.10, Dr. Madhuram Colony, 2, Cross West, Thillai Nagar, Trichy - 600 018.

President

K.P. MURALI

94433 60006

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Gen. Secretary

M. HYDER ALI

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Treasurer

K. MANIMARAN

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07.11.2023

To
Thiru Kumar Jayant IAS
Additional Chief Secretary to the Government
Labour Welfare and Skill Development
Tamil Nadu

Tamilnadu Petroleum Dealers Association would like to bring to your notice regards to inclusion of the Petroleum Retail Outlet under the provision of Factories Act by the Office of the Director of Industrial Safety and Health dated 28.01.2022 vide Memorandum No. B1/15708/2020

DOCUMENTS PERUSED:

- 1) 28.01.2022 - Xerox copy of the Memorandum bearing No. B1/15708/2020 by the Office of Director of Industrial Safety and Health, Chennai 600 032
- 2) 02.02.2022 Xerox copy of the representation given by the Tamil Nadu Petroleum Dealers Association addressed to the Secretary of State, Department of Labour and Skills Development, Secretariat
- 3) 18.03.2022 - Xerox copy of the representation given by the Tamilnadu Petroleum Dealers Association to Honorable Minister of Labour and Skill Development.



President Office Address : 8, Bharathi Road, Cuddalore - 607 001, TamilNadu.

Secretary Office Address : 33, Dindigul Road, Oddanchatram - 624 619, TamilNadu.

The perusal of the above memorandum issued by the office of the Industrial Safety and Health, Chennai and the representation given by the Tamil Nadu Petroleum Dealers Association reveals that the Office of the Industrial Safety and Health vide the memorandum cited above wanted to implement the Factories Act to Petrol, Diesel and LPG dispensing pumps/stations. A detailed representation was given by the Tamil Nadu Petroleum Dealers Association dated 02.02.2022 to the Secretary of State, Department of Labour and Skills Development, Secretariat.

2) The perusal of the relevant provisions of the Factories act mentioned in the Memorandum No. B1/15708/2020 reflects that the authorities relied on Sections 2(m)(i) & Section 85(1) and 87 of the Factories Act 1948. Section 2(m)(i) defines factory as whereon ten or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on. The perusal of the representation sent by the Tamil Nadu Petroleum Dealers Association dated 02.02.2022 more specifically in page 7 it was stated that out of around 5400 petrol bunks functioning in the state of Tamil Nadu, more than 70% of the petrol bunks are situated in rural areas and the bunks are functioning with 4 to 6 persons in most of the bunks and hence would not come within the definition of Section 2(m)(i) of the factories Act is the contention of the Tamil Nadu Petroleum Dealers Association.

3) Section 2(c) (b) of the Factories Act deals with hazardous process and states hazardous process means any process or activity in relation to an industry specified in the First Schedule where, unless special care is taken, raw materials used therein or the intermediate or finished products, by-products, wastes or effluents thereof would

(i) cause material impairment to the health of the persons engaged in or connected therewith, or

(ii) result in the pollution of the general environment:

Provided that the State Government may, by notification in the Official Gazette, amend the First Schedule by way of addition, omission or variation of any industry specified in the said schedule;]

Section 85 of the factories Act deals with the Power of the State Government to apply the act to certain premises and Section 87 deals with dangerous operations where the factory exposes any person employed in it to serious risk of bodily injury, poisoning or disease, it may make rules applicable to any factory or class or description of factories in which the (manufacturing process or operation) is carried on

(a) specifying and declaring it to be dangerous;

(b) prohibiting or restricting the employment of women, adolescents or children in the manufacturing process or operation;

(c) providing for the periodical medical examination of persons employed, or seeking to be employed in the manufacturing process or operation and prohibiting the employment of persons not certified as fit for such employment.

(d) providing for the protection of all persons employed in the manufacturing process or operation or in the vicinity of the places where it is carried on:

- (e) prohibiting, restricting or controlling the use of any specified materials or processes in connection with the manufacturing process or operation;
- (f) requiring the provision of additional welfare amenities and sanitary facilities and the supply of protective equipment and clothing, and laying down the standards thereof, having regard to the dangerous nature of the manufacturing process or operation;

The perusal of the representation by the Tamil Nadu Petroleum Dealers Association dated 02.02.2022 reflects that various safety measures were taken by the Oil Companies in transportation of the Petroleum products from the companies till the products were stored in underground safety tanks by the dealers. In the entire process where the petroleum products reaches the Petrol bunks storage tanks till it reaches the end user, the employee does not handle the products with any body parts including the hands and hence no hazard is caused to the employees in the entire process.

Manufacturing process does not take place in the bunk premises, only finished products are received, stored and sold as it is sent by the Oil Companies.

Further the Tamil Nadu Petroleum Dealers Association in their representation had stated that the Dealers viz Petrol bunks come under the purview of the Tamil Nadu Shops Establishment Act and the Essential Services Maintenance Act (ESMA). Further the Dealers are subjected to various safety measures by the Revenue Department, Fire and Rescue Department, Highways Department, Police Department,

and by the Health Department and all the above Departments have strict rules and norms which the dealers have to comply. In addition to the above departments, the Oil companies which give license subject the dealers to strict scrutiny before giving dealership to the dealers and in addition to that the dealers are subjecting to inspections and surprise visits by the 3rd party inspection teams to monitor the safety norms. The premises viz the Petrol bunks are not reserved area and are open for public entry unlike in a factory, the land and property where the bunks function belongs to Government of India undertaking.

On perusing the above and analysing the same it becomes clear that

- a) Property and equipments belong to the Oil Marketing Companies and not to the dealers
- b) Since no manufacturing or any process of manufacturing takes place, the employees are not subjected to unnecessary work pressure like in a manufacturing industry
- c) Dealers come under the purview of Tamil Nadu Shops and Establishment Act and Essential Service Maintenance Act and also under the scrutiny of various Government Departments discussed supra.
- d) The premises in which the petrol bunks function is not a closed premises unlike a factory and is open to the access of public.
- e) Even the retail selling price are determined by the Oil Marketing Companies based on the direction/instruction of the Government of India.
- f) All licenses stands in the name of the Oil Marketing Company.

Hence in view of the above discussed points, we Tamilnadu Petroleum Dealers Association of the opinion that the prevailing acts under which

the petroleum dealers namely shops and establishment act, Essential Service Maintenance Act and monitoring by various Government Departments besides the scrutiny by the Oil Companies sufficiently covers the safety norms of the dealers and the dealers need not be subjected to the provisions of the factories Act 1984.

Thanking You

Yours Sincerely



K.P.Murali

President

Tamilnadu Petroleum Dealers Association

TAMILNADU PETROLEUM DEALERS ASSOCIATION

Communication Address : No.10, Dr. Madhuran Colony, 2, Cross West, Thillai Nagar, Trichy - 600 018.

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Gen. Secretary

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To

15.12.2023

Shri Rohit Kumar Sing IAS

Secretary to the Government of India

Ministry of Consumer Affairs, Food and Public Distribution

New Delhi

Subject: Request for Implementation of 'Principle of Transparency' in OMC's Prover Tower Calibration - Trichy IOCL Terminal - Tamil Nadu

Respected Sir,

We are writing on behalf of the Tamil Nadu Petrol Dealers Association [TNPDA] regarding a matter of significant concern related to the implementation of the 'Principle of Transparency' in OMC's 'Prover Tower' Calibration, particularly at the IOCL Trichy Terminal.

We would like to bring to your attention the letter dated 10.10.2023 (1-12/17/2023-W&M) issued by the Ministry of Consumer Affairs, along with the subsequent Round table workshop conducted on 09.06.2023 and the 'DECISION' of the Government of India, Ministry of Consumer Affairs Food & Public Distribution, Krishi Bhavan, New Delhi-110001, dated 07.08.2023. These directives were issued in compliance with the Orders dated 30.05.2023 of the Honourable High Court Judicature for Rajasthan at Jodhpur in S.B. Civil Writ Petition No.7860/2023 titled M/s. Vinayak Fuel Filling Station Vs. UOI & others.

The Ministry's initiative aims to bring transparency to OMC's Terminal calibration processes, and a Standard Operating Procedure (SOP) has been formulated as a result of the workshop. The SOP is intended to be implemented nationwide by OMCs, OEMs, and Controllers of all the States.

However, we have observed certain discrepancies at the Trichy IOCL Terminal, particularly regarding the annual 'Prover Vessel' calibration due in the December quarter. Unfortunately, there has been a lack of communication to the Industry State Association, specifically the Tamil Nadu Petroleum Dealers Association, about the

'Prover Vessel' calibration from IOCL Trichy Terminal. The delay in conducting the calibration is adversely affecting the stamping of Dealer Tank Lorries.

Last year, during the Trichy Tower calibration on 14th, 15th, 16th and 17th Nov-22, we observed a significant variation compared to the previous year's calibration. There was a shortfall of 25 liters in the tower for a 12 KL tank lorry. Enclosed, please find the minutes of the Tower calibration conducted last year for your reference.

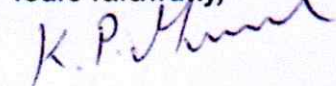
Furthermore, IOCL Trichy Terminal has directed all Dealer Tank Lorries to get calibrated at Asanur IOCL Terminal, located 130 KM away from Trichy Terminal. This arrangement is causing an additional financial burden of Rs 10,000 for every Dealer Tank Lorry. Additionally, the selective invitation of dealers to witness the annual 'Prover Vessel' calibration is a clear violation of the SOP issued by the Ministry of Consumer Affairs.

In light of the above, we kindly request your intervention to advise IOCL Trichy Terminal to expedite the 'Prover Vessel' calibration to avoid unnecessary expenses for Dealers and ensure compliance with the SOP of the Ministry of Consumer Affairs.

We request you sir to intervene in this matter and anticipate positive action for the benefit of all stakeholders involved.

Thank you for your understanding and cooperation.

Yours faithfully,



K.P.Murali

President

TNPDA

murali_braddy@yahoo.com

Copy to Director Legal Metrology

रोहित कुमार सिंह
भा प्र से
Rohit Kumar Singh
IAS



सचिव
भारत सरकार
उपभोक्ता मामले विभाग
Secretary
Government of India
Department of Consumer Affairs

D.O. No I-12/17/2023-W&M

29th January 2024

As you are aware, there are large number of dispensing units installed at Petrol Pumps/ Retail Outlets for delivery of petrol/ diesel/ petroleum products. These dispensing units are periodically verified and stamped by the Legal Metrology Departments of the State Governments to ensure their accuracy.

2. In this regard, I would like to bring to your notice that various Petroleum Dealers Associations have represented to this department stating difficulties faced by them viz. payment of verification fees of dispensing units by OMCs, calibration of underground storage tanks/ tank lorries and adoption of uniform procedure for calibration of towers used for tank lorries calibration etc. A copy of the representations received is enclosed herewith for kind information.

3. In their representations and also in the meetings held with them, the Associations have requested for:

(i) The verification fees may be paid by the OMCs for verification/re-verification of dispensing units to the State Legal Metrology Departments. It may be paid manually as IGL is paying for CNG Dispensers.

(ii) Installation of flow-meters at retail outlets for decantation of petroleum products from Tank Lorries to ensure the correct quantity delivered to the RO dealers. However, as a pilot project, it may be initiated at three places namely Bengaluru, Chennai and Delhi.

(iii) SoP circulated for calibration of towers used for tank lorries calibration may invariably be followed at all places.

4. I would like to request you to kindly look into the matter and issue necessary instructions to all concerned so as to ensure transparency and protect interest of all stakeholders.

Yours sincerely,

Sd/-
(Rohit Kumar Singh)

Shri Pankaj Jain
Secretary
M/o PNG
Shastri Bhawan, New Delhi

Copy to:

1. Chairman, OMCs
2. All CLMs of States/ UTs
3. Petroleum Dealers Associations



Speed Post

I-12/17/2023-W&M
Government of India
Ministry of Consumer Affairs, Food and Public Distribution
Department of Consumer Affairs
Weights and Measures Unit
Krishi Bhawan, New Delhi-110001
Dated: 10.10.2023

To,

1. The Chairman cum Managing Director
BPCL/ HPCL/ IOCL
2. Controller of Legal Metrology, Government of Tamil Nadu

Subject: Payment of verification/ stamping fees directly from OMCs to Legal Metrology Department-reg.

Sir,

Kindly refer the 'Round Table Workshop' on 'Measurement of Petroleum Products' and related issues held at Vigyan Bhawan, New Delhi on 09.06.2023 under the Chairmanship of Shri Rohit Kumar Singh, Secretary, Department of Consumer Affairs to improve transparency and simplify the business operations within the realm of Legal Metrology.

2. During the meeting, the issue of calibration of depot towers was raised and it was decided that an SoP will be prepared by the Petroleum Dealers Association. A copy of the SoP submitted by Petroleum Dealers Association is enclosed herewith for needful.

3. It was also clarified by Petroleum Dealers Associations that the OMC's are the owners of Outfits and Equipment installed at Retail Outlets. It was requested that the existing procedure of 'Payment and Reimbursement' of Stamping fees may be discontinued due to delay in reimbursement of such fees. The Associations informed that the amount of stamping fees is considerably huge and the Dealers have to struggle to pay the same at the last minute. At the same time the Legal Metrology officers are also put to inconvenience while planning their visits to carry out the verification.

4. In the meeting it was requested that the OMC's may directly deposit the 'Stamping Fees' in advance for each of the quarter to Legal Metrology Department so that the Legal Metrology Department can plan their schedule of visits to Retail Outlets. It would also prove to be a time saving methodology for Legal Metrology Department.

5. It was suggested to initiate the said system as a 'Pilot Project' in the State of Tamil Nadu, as the database of the new online system has already been installed in Tamil Nadu and is functioning well. In this prevailing database formulated by LM Department of Tamil Nadu, no major modification is required, which may be done by the Government of Tamil Nadu. However, the updating of database in other State

may also be initiated and on its success in Tamil Nadu, the same may be implemented in other States.

6. Therefore, it is requested that the OMCs may initiate the process of depositing the verification fee online in the State of Tamil Nadu as a Pilot Project.

Yours faithfully,

Ashutosh Agarwal

(Ashutosh Agarwal)

I/c Director, Legal Metrology

Tel. No. 01123389489

Email: ashutosh.agarwal13@nic.in

Copy to: 1. Director of Marketing - BPCL, IOCL, BPCL

2. Executive Director Retail - BPCL, IOCL, HPCL

3. Controllers of Legal Metrology, all States/UTs

I-12/17/2023-W&M
Government of India
Ministry of Consumer Affairs, Food and Public Distribution
Department of Consumer Affairs
Legal Metrology Division
Krishi Bhawan, New Delhi-110001

Minutes of round table workshop on "measurement of petroleum products and related issues" held on 09.06.2023 under the chairmanship of Shri Rohit Kumar Singh, Secretary, Department of Consumer Affairs

A round table workshop on Measurement of petroleum products and related issues was held at Vigyan Bhawan, New Delhi on 09.06.2023 under the chairmanship of Shri Rohit Kumar Singh, Secretary, Department of Consumer Affairs. The list of participants of the workshop is attached at Annexure-A.

2. Shri Rohit Kumar Singh, Secretary, DoCA welcomed all the participants. In his inaugural address, he stated that the Department is actively pursuing integration of technology to replace human interfaces and blockchain technology is under consideration for credential management. He stated that Department of Consumer Affairs is committed to improving the ease of doing business & protecting consumer interests and such discussions & decisions mark significant progress towards these goals.

3. He also stated that this round table workshop has been an essential step in addressing significant issues in the measurement of petroleum products and Department is confident that the proposed solutions will pave the way for significant improvements in the industry. He stated that the decisions to be taken today are crucial for the industry's future growth and for the consumers who rely on these services. Key focus of the workshop was to improve transparency and simplify business operations in the realm of Legal Metrology.

4. Smt. Nidhi Khare, Additional Secretary, DoCA, provided a comprehensive overview on 'Measurement of Petroleum Products and Related Issues'. She illustrated the extensive achievements, new initiatives, and strategic operations that the Department has implemented to promote the growth of the industry within the country. In her detailed presentation, she not only shed light on the Department's successful efforts and future plans but also candidly discussed the challenges encountered in fulfilling the Department's objectives.



- (a) depositing verification/ stamping fees in advance by OMCs/ dealers
- (b) OEMs to provide rounding off in 3 digits in dispensing units
- (c) sealing provisions for tamper-proof dispensing units by OEMs, all the probable sealing point should be sealed, manufacturer shall provide all the sketch/ photos to Director and Controllers of Legal Metrology, where sealing is to be done
- (d) issue of repairing license in all States and outsourced repairing activities,
- (e) . metallic transparent cover on electronics/ keypad of dispensing unit
- (f) use of mass flow meters on tank lorries to check the delivery at ROs
- (g) measurement of petroleum products of tank lorries at Depot with the same technology/ device (flow meter/ dip rod) which is used for decantation at ROs
- (h) consideration of verification of ATGs at ROs to cross check the stock in underground tanks
- (i) to issue a guideline for use of standard LPG/ CNG testing kits
- (j) the accuracy of tank lorry is 0.05% whereas proving measures used for calibration of tank lorries have accuracy of the order of 1%, which may be corrected.
- (k) for under ground tanks (UGT) at ROs the stock variation may be 4 % of tank capacity for variation; calibration of underground tanks with latest technology is required.
- (vii) Formation of a committee underscores the government's commitment to addressing the issues raised during the workshop under the chairmanship of Joint Secretary (CA). By bringing together key stakeholders such as OMCs, CLMs, OEMs and Petroleum Dealers Associations, the committee aims to develop comprehensive solutions that will enhance the operational transparency and efficiency of the petroleum products industry. The committee will examine all the pending issues illustrated above and submit it's recommendations within 3 months.

8. The workshop concluded with a vote of thanks to the chair.

Ashutosh Aggarwal

Annexure-A

- (i) Shri Rohit Kumar Singh, Secretary (Consumer Affairs) In Chair
(ii) Smt Nidhi Khare, Additional Secretary (Consumer Affairs)
(iii) Shri Anupam Mishra, Joint Secretary (Consumer Affairs)
(iv) Shri Vineet Mathur, Joint Secretary (Consumer Affairs)
(v) Dr A K Sharma, Director (Legal Metrology), DoCA
(vi) Controller of Legal Metrology / Representatives of Government of Maharashtra, Jharkhand, Bihar, Punjab, Andhra Pradesh, Haryana, Meghalaya, Chandigarh, Chhattisgarh, Uttar Pradesh, Himachal Pradesh etc.
(vii) Representatives of Oil Marketing Companies (OMCs) (IOCL/ BPCL/ HPCL)
(viii) Original Equipment Manufacturers (OEMs) (Tokheim/ Tatsuno/ GVR)
(ix) Representative of Fluid Control Research Institute (FCRI) (Shri K Suresh, Head Liquid Flow Laboratory)
(x) Representative of C-DAC (Shri Anish S)
(xi) Presidents/ secretaries / Representatives of All Petroleum Dealers Associations of all parts of the country:

Mr. SunitBagai	Rajasthan
Mr. Anurag Narayan	Convener LMS
Mr. K.P. Murali	Tamil Nadu
Mr. K. Manimaran	Tamil Nadu
Mr.K. Rajkumar	Tamil Nadu
Mr.P. Selvaraju	Tamil Nadu
Mr. T.Andrew Dominic	Tamil Nadu
Mr. Amit Gupta	Maharashtra
Mr. Prabhat Singh	Bihar
Mr. Tom Scaria	Kerala
Mr. AM.Saji	Kerala
Mr.Lokesh	Karnataka
Mr. GKM. Prithviraj	Karnataka
Mr.Tharanath	Karnataka
Mr. Gopalakrishnan	Andhra Pradesh
Mr. M.Nageshwar Rao	Andhra Pradesh
Mr. P.Chandu Lal	Andhra Pradesh
Mr. Anil Bijlani	Delhi
Mr. Monty Sehgal	Punjab
Mr. RajendraBhati	Rajasthan
Mr.Shashank Kaurani	Rajasthan
Mr.D V Chaudhary	Uttar Pradesh

Ashutosh Aggarwal

आशुतोष अग्रवाल/ASHUTOSH AGARWAL
उप निदेशक/Deputy Director
उपभोक्ता मामले, खाद्य एवं सार्वजनिक विपणन मंत्रालय
Ministry of Consumer Affairs, Food & P.D.
उपभोक्ता मामले विभाग/D/o Consumer Affairs
भारत सरकार/Govt. of India
कृषि भवन, नई दिल्ली/Krishi Bhawan, New Delhi