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PART II — Section 1

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 3rd April, 2006/Chaitra 13, 1928 (Saka)

The following Act of Parliament received the assent of the President on the 31st March, 2006, and is hereby published for general information:—

THE PETROLEUM AND NATURAL GAS REGULATORY BOARD ACT, 2006

No. 19 of 2006

[31st March, 2006.]

An Act to provide for the establishment of Petroleum and Natural Gas Regulatory Board to regulate the refining, processing, storage, transportation, distribution, marketing and sale of petroleum, petroleum products and natural gas excluding production of crude oil and natural gas so as to protect the interests of consumers and entities engaged in specified activities relating to petroleum, petroleum products and natural gas and to ensure uninterrupted and adequate supply of petroleum, petroleum products and natural gas in all parts of the country and to promote competitive markets and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Petroleum and Natural Gas Regulatory Board Act, 2006.

(2) It extends to the whole of India.

Short title,
extent,
commencement
and application.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

(4) It applies to refining, processing, storage, transportation, distribution, marketing and sale of petroleum, petroleum products and natural gas excluding production of crude oil and natural gas.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “affiliate code of conduct” means the code of conduct governing entities engaged in storage, transmission, distribution, marketing and sale of natural gas under sub-section (1) of section 21;

(b) “Appellate Tribunal” means the Appellate Tribunal referred to in section 30;

(c) “appointed day” means the date on which the Board is established under sub-section (1) of section 3;

(d) “authorised entity” means an entity—

(A) registered by the Board under section 15 —

(i) to market any notified petroleum, petroleum products or natural gas, or

(ii) to establish and operate liquefied natural gas terminals, or

(B) authorised by the Board under section 16 —

(i) to lay, build, operate or expand a common carrier or contract carrier, or

(ii) to lay, build, operate or expand a city or local natural gas distribution network;

(e) “auto liquefied petroleum gas” means a mixture of certain light hydrocarbons derived from petroleum, which are gaseous at normal ambient temperature and atmospheric pressure but may be condensed to the liquid state at normal ambient temperature by the application of moderate pressure, and which conform to such specifications for use as fuel in vehicles, as the Central Government may, in consultation with the Bureau of Indian Standards, notify from time to time;

(f) “Board” means the Petroleum and Natural Gas Regulatory Board established under sub-section (1) of section 3;

(g) “Bureau of Indian Standards” means the Bureau of Indian Standards established under section 3 of the Bureau of Indian Standards Act, 1986;

63 of 1986.

(h) “Chairperson” means the Chairperson of the Board appointed under sub-section (1) of section 4;

(i) “city or local natural gas distribution network” means an inter-connected network of gas pipelines and the associated equipment used for transporting natural gas from a bulk supply high pressure transmission main to the medium pressure distribution grid and subsequently to the service pipes supplying natural gas to domestic, industrial or commercial premises and CNG stations situated in a specified geographical area.

Explanation.—For the purposes of this clause, the expressions “high pressure” and “medium pressure” shall mean such pressure as the Central Government may, by notification, specify to be high pressure or, as the case may be, medium pressure;

(j) "common carrier" means such pipelines for transportation of petroleum, petroleum products and natural gas by more than one entity as the Board may declare or authorise from time to time on a non-discriminatory open access basis under sub-section (3) of section 20, but does not include pipelines laid to supply—

(i) petroleum products or natural gas to a specific consumer; or

(ii) crude oil;

Explanation.— For the purposes of this clause, a contract carrier shall be treated as a common carrier, if—

(i) such contract carrier has surplus capacity over and above the firm contracts entered into; or

(ii) the firm contract period has expired.

(k) "CNG station" means filling station where one or more dispensing units are provided for sale of compressed natural gas;

(l) "compressed natural gas or CNG" means natural gas used as fuel for vehicles, typically compressed to the pressure ranging from 200 to 250 bars in the gaseous state;

(m) "contract carrier" means such pipelines for transportation of petroleum, petroleum products and natural gas by more than one entity pursuant to firm contracts for at least one year as may be declared or authorised by the Board from time to time under sub-section (3) of section 20;

(n) "dealer" means a person, association of persons, firm, company or co-operative society, by whatsoever name called or referred to, and appointed by an oil company to purchase, receive, store and sell motor spirit, high speed diesel, superior kerosene oil, auto liquefied petroleum gas or natural gas;

(o) "distributor" means a person, association of persons, firm, company or co-operative society, by whatsoever name called or referred to, and appointed by an oil company to purchase, receive, store and sell to consumers liquefied petroleum gas in cylinders;

(p) "entity" means a person, association of persons, firm, company or co-operative society, by whatsoever name called or referred to, other than a dealer or distributor, and engaged or intending to be engaged in refining, processing, storage, transportation, distribution, marketing, import and export of petroleum, petroleum products and natural gas including laying of pipelines for transportation of petroleum, petroleum products and natural gas, or laying, building, operating or expanding city or local natural gas distribution network or establishing and operating a liquefied natural gas terminal;

(q) "exchange of products" shall mean giving and receiving of a petroleum product in accordance with an agreement entered into by the concerned entities;

(r) "high speed diesel" means any hydrocarbon oil (excluding mineral colza oil and turpentine substitute), which conforms to such specifications for use as fuel in compression ignition engines, as the Central Government may, in consultation with the Bureau of Indian Standards, notify from time to time;

(s) "kerosene or superior kerosene oil" means a middle distillate mixture of hydrocarbons which conforms to such specifications, as the Central Government may, in consultation with the Bureau of Indian Standards, notify from time to time;

(t) "liquefied natural gas terminal" means the facilities and infrastructure required to—

(i) receive liquefied natural gas;

(ii) store liquefied natural gas;

(iii) enable regasification of liquefied natural gas; and

(iv) transport regasified liquefied natural gas till the outside boundaries of the facility;

(u) "liquefied petroleum gas" means a mixture of light hydrocarbons containing propane, isobutane, normal butane, butylenes, or such other substance which is gaseous at normal ambient temperature and atmospheric pressure but may be condensed to liquid state at normal ambient temperature by the application of pressure and conforms to such specifications, as the Central Government may, in consultation with the Bureau of Indian Standards, notify from time to time;

(v) "local distribution entity" means an entity authorised by the Board under section 20 to lay, build, operate or expand a city or local natural gas distribution network;

(w) "marketing service obligations" means obligations—

(i) to set up marketing infrastructure and retail outlets in remote areas in respect of notified petroleum and petroleum products;

(ii) to maintain minimum stock of notified petroleum and petroleum products;

(iii) of a local distribution entity to supply natural gas to consumers; and

(iv) such other obligations as may be specified by regulations;

(x) "maximum retail price" means the maximum price fixed by an entity at which the petroleum, petroleum products and natural gas may be sold to the retail consumers and includes all taxes, cess and levies, local or otherwise and freight or commission payable to the dealers;

(y) "member" means a member of the Board appointed under sub-section (1) of section 4 and includes the Member (Legal) and the Chairperson;

(z) "motor spirit" means any hydrocarbon oil (excluding crude mineral oil) used as fuel in spark ignition engines which conforms to such specifications, as the Central Government may, in consultation with the Bureau of Indian Standards, notify from time to time;

(za) "natural gas" means gas obtained from bore-holes and consisting primarily of hydrocarbons and includes—

(i) gas in liquid state, namely, liquefied natural gas and regasified liquefied natural gas,

(ii) compressed natural gas,

(iii) gas imported through transnational pipe lines, including CNG or liquefied natural gas,

(iv) gas recovered from gas hydrates as natural gas,

(v) methane obtained from coal seams, namely, coal bed methane,

but does not include helium occurring in association with such hydrocarbons;

(zb) "notification" means a notification published in the Official Gazette and the expression "notified" with its cognate meanings and grammatical variations, shall be construed accordingly;

(zc) "notified petroleum, petroleum products and natural gas" means such petroleum, petroleum products and natural gas as the Central Government may notify from time to time, after being satisfied that it is necessary or expedient so to do for maintaining or increasing their supplies or for securing their equitable distribution or ensuring adequate availability;

Provided that an entity laying, building, operating or expanding any city or local natural gas distribution network authorised by the Central Government at any time before the appointed day shall furnish the particulars of such activities to the Board within six months from the appointed day.

(3) Every application under sub-section (1) or sub-section (2) shall be made in such form and in such manner and shall be accompanied with such fee as the Board may, by regulations, specify.

(4) Subject to the provisions of this Act and consistent with the norms and policy guidelines laid down by the Central Government, the Board may either reject or accept an application made to it, subject to such amendments or conditions, if any, as it may think fit.

(5) In the case of refusal or conditional acceptance of an application, the Board shall record in writing the grounds for such rejection or conditional acceptance, as the case may be.

Publicity of
applications.

18. When an application for registration for marketing notified petroleum, petroleum products and natural gas, or for establishing and operating a liquefied natural gas terminal, or for establishing storage facilities for petroleum, petroleum products or natural gas exceeding such capacity as may be specified by regulations, is accepted whether absolutely or subject to conditions or limitations, the Board shall, as soon as may be, cause such acceptance to be known to the public in such form and manner as may be provided by regulations.

Grant of
authorisation.

19. (1) When, either on the basis of an application for authorisation for laying, building, operating or expanding a common carrier or contract carrier or for laying, building, operating or expanding a city or local natural gas distribution network is received or on *suo motu* basis, the Board forms an opinion that it is necessary or expedient to lay, build, operate or expand a common carrier or contract carrier between two specified points, or to lay, build, operate or expand a city or local natural gas distribution network in a specified geographic area, the Board may give wide publicity of its intention to do so and may invite applications from interested parties to lay, build, operate or expand such pipelines or city or local natural gas distribution network.

(2) The Board may select an entity in an objective and transparent manner as specified by regulations for such activities.

Declaring,
laying, building,
etc., of
common
carrier or
contract carrier
and city
or local natural
gas distribution
network.

20. (1) If the Board is of the opinion that it is necessary or expedient, to declare an existing pipeline for transportation of petroleum, petroleum products and natural gas or an existing city or local natural gas distribution network, as a common carrier or contract carrier or to regulate or allow access to such pipeline or network, it may give wide publicity of its intention to do so and invite objections and suggestions within a specified time from all persons and entities likely to be affected by such decision.

(2) For the purposes of sub-section (1), the Board shall provide the entity owning, the pipeline or network an opportunity of being heard and fix the terms and conditions subject to which the pipeline or network may be declared as a common carrier or contract carrier and pass such orders as it deems fit having regard to the public interest, competitive transportation rates and right of first use.

(3) The Board may, after following the procedure as specified by regulations under section 19 and sub-sections (1) and (2), by notification,—

(a) declare a pipeline or city or local natural gas distribution network as a common carrier or contract carrier; or

(b) authorise an entity to lay, build, operate or expand a pipeline as a common carrier or contract carrier; or

(c) allow access to common carrier or contract carrier or city or local natural gas distribution network; or

(d) authorise an entity to lay, build, operate or expand a city or local natural gas distribution network.

15. (1) Every entity desirous of—

Registration
of entities.

- (a) marketing any notified petroleum or petroleum products or natural gas; or
- (b) establishing or operating a liquefied natural gas terminal; or
- (c) establishing storage facilities for petroleum, petroleum products or natural gas exceeding such capacity as may be specified by regulations,

and fulfilling the eligibility conditions as may be prescribed shall make an application to the Board for its registration under this Act:

Provided that no registration under this Act shall be required for any entity carrying on any activity referred to in clause (a) or clause (b) or clause (c) immediately before the appointed day but shall inform the Board about such activity within six months from the appointed day.

(2) Every application for registration under sub-section (1) shall be made in such form and in such manner and shall be accompanied by such fee as may be determined by the Board by regulations.

(3) The Board may, after making such enquiry and subject to such terms and conditions as it may specify, grant a certificate of registration to the entity allowing to commence and carry on the activity referred to in clause (a) or clause (b) or clause (c), as the case may be, of sub-section (1).

(4) The Board may, by order, suspend or cancel a certificate of registration granted under sub-section (3) in such manner as may be determined by regulations:

Provided that no order under this sub-section shall be made unless the entity concerned has been given a reasonable opportunity of being heard.

16. No entity shall—

Authorisation.

(a) lay, build, operate or expand any pipeline as a common carrier or contract carrier,

(b) lay, build, operate or expand any city or local natural gas distribution network, without obtaining authorisation under this Act:

Provided that an entity,—

(i) laying, building, operating or expanding any pipeline as common carrier or contract carrier; or

(ii) laying, building, operating or expanding any city or local natural gas distribution network,

immediately before the appointed day shall be deemed to have such authorisation subject to the provisions of this Chapter, but any change in the purpose or usage shall require separate authorisation granted by the Board.

17. (1) An entity which is laying, building, operating or expanding, or which proposes to lay, build, operate or expand, a pipeline as a common carrier or contract carrier shall apply in writing to the Board for obtaining an authorisation under this Act:

Application for
authorisation.

Provided that an entity laying, building, operating or expanding any pipeline as common carrier or contract carrier authorised by the Central Government at any time before the appointed day shall furnish the particulars of such activities to the Board within six months from the appointed day.

(2) An entity which is laying, building, operating or expanding, or which proposes to lay, build, operate or expand, a city or local natural gas distribution network shall apply in writing for obtaining an authorisation under this Act:

Procedure of
the Board.

13. (1) The Board shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872, requisitioning any public record or document or a copy of such record or document, from any office and production of such documents;

(c) receiving evidence on affidavits;

(d) issuing commissions for the examination of witnesses or documents;

(e) dismissing an application for default or deciding it, *ex parte*;

(f) setting aside any order of dismissal of any application for default or any order passed by it, *ex parte*;

(g) granting interim relief;

(h) reviewing its decision; and

(i) any other matter which may be prescribed.

(2) Every proceeding before the Board shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code and the Board shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

(3) The Board shall be guided by the principles of natural justice and subject to other provisions of this Act and of any rules made thereunder, shall have powers to regulate its own procedure including the places at which it shall conduct its business.

CHAPTER IV

REGISTRATION AND AUTHORISATION

Register.

14. (1) For the purposes of this Act, a register to be called the Petroleum and Natural Gas Register shall be kept at the head office of the Board containing such details of entities—

(a) registered for—

(i) marketing notified petroleum, petroleum products or natural gas, or

(ii) establishing and operating liquefied natural gas terminals, or

(iii) establishing storage facilities for petroleum, petroleum products or natural gas exceeding such capacity as may be specified by regulations, or

(b) authorised for —

(i) laying, building, operating or expanding a common carrier, or

(ii) laying, building, operating or expanding a city or local natural gas distribution network, as may be provided by the Board by regulations.

(2) A copy of any entry in the register purporting to be maintained by the Board and certified as such by an officer authorised by the Board, shall be admitted in evidence in all courts and in all proceedings without further proof or production of the original.

(3) The register shall be open to public inspection at the head office of the Board.

(4) Any person may, on application to the Board, and on payment of such fee as may be determined by the Board, by regulations, obtain a certified copy of any entry in the register.

(f) in respect of notified petroleum, petroleum products and natural gas—

(i) ensure adequate availability;

(ii) ensure display of information about the maximum retail prices fixed by the entity for consumers at retail outlets;

(iii) monitor prices and take corrective measures to prevent restrictive trade practice by the entities;

(iv) secure equitable distribution for petroleum and petroleum products;

(v) provide, by regulations, and enforce, retail service obligations for retail outlets and marketing service obligations for entities;

(vi) monitor transportation rates and take corrective action to prevent restrictive trade practice by the entities;

(g) levy fees and other charges as determined by regulations;

(h) maintain a data bank of information on activities relating to petroleum, petroleum products and natural gas;

(i) lay down, by regulations, the technical standards and specifications including safety standards in activities relating to petroleum, petroleum products and natural gas, including the construction and operation of pipeline and infrastructure projects related to downstream petroleum and natural gas sector;

(j) perform such other functions as may be entrusted to it by the Central Government to carry out the provisions of this Act.

12. (1) The Board shall have jurisdiction to—

(a) adjudicate upon and decide any dispute or matter arising amongst entities or between an entity and any other person on issues relating to refining, processing, storage, transportation, distribution, marketing and sale of petroleum, petroleum products and natural gas according to the provisions of Chapter V, unless the parties have agreed for arbitration;

(b) receive any complaint from any person and conduct any inquiry and investigation connected with the activities relating to petroleum, petroleum products and natural gas on contravention of—

(i) retail service obligations;

(ii) marketing service obligations;

(iii) display of retail price at retail outlets;

(iv) terms and conditions subject to which a pipeline has been declared as common carrier or contract carrier or access for other entities was allowed to a city or local natural gas distribution network, or authorisation has been granted to an entity for laying, building, expanding or operating a pipeline as common carrier or contract carrier or authorisation has been granted to an entity for laying, building, expanding or operating a city or local natural gas distribution network;

(v) any other provision of this Act or the rules or the regulations or orders made thereunder.

(2) While deciding a complaint under sub-section (1), the Board may pass such orders and issue such directions as it deems fit or refer the matter for investigation according to the provisions of Chapter V.

Powers
regarding
complaints
and resolution
of disputes by
the Board.

vacancies,
not to
validate
proceedings
of the Board.

9. No act or proceeding of the Board shall be invalid merely by reason of—

- (a) any vacancy in, or any defect in the constitution of, the Board; or
- (b) any defect in the appointment of a person acting as a member of the Board; or
- (c) any irregularity in the procedure of the Board not affecting the merits of the case.

Officers and
other
employees of
the Board.

10. (1) The Central Government may, in consultation with the Board, appoint a Secretary to exercise and perform such powers and duties, under the control of the Chairperson as may be specified by regulations:

Provided that no such consultation shall be necessary for appointment of the first Secretary of the Board.

(2) The Board may, with the approval of the Central Government, determine the number, nature and categories of other officers and employees required to assist the Board in the efficient discharge of its functions.

(3) The salaries and allowances payable to and the other terms and conditions of service of the Secretary, the other officers and employees of the Board shall be such as may be prescribed.

(4) The Board may appoint consultants required to assist in the discharge of its functions on such terms and conditions as may be determined by regulations.

CHAPTER III

FUNCTIONS AND POWERS OF THE BOARD

Functions of
the Board.

11. The Board shall—

(a) protect the interest of consumers by fostering fair trade and competition amongst the entities;

(b) register entities to—

(i) market notified petroleum and petroleum products and, subject to the contractual obligations of the Central Government, natural gas;

(ii) establish and operate liquefied natural gas terminals;

(iii) establish storage facilities for petroleum, petroleum products or natural gas exceeding such capacity as may be specified by regulations;

(c) authorise entities to—

(i) lay, build, operate or expand a common carrier or contract carrier;

(ii) lay, build, operate or expand city or local natural gas distribution network;

(d) declare pipelines as common carrier or contract carrier;

(e) regulate, by regulations,—

(i) access to common carrier or contract carrier so as to ensure fair trade and competition amongst entities and for that purpose specify pipeline access code;

(ii) transportation rates for common carrier or contract carrier;

(iii) access to city or local natural gas distribution network so as to ensure fair trade and competition amongst entities as per pipeline access code;

(5) The Chairperson or other member may resign his office by giving notice thereof in writing to the Central Government and on such resignation being accepted, the Chairperson or such other member shall be deemed to have vacated his office.

(6) The Chairperson or any other member, upon ceasing to hold office as such, shall—

(a) be ineligible for further employment under the Central Government or any State Government; and

(b) not accept any commercial employment for a period of two years from the date he ceases to hold such office.

Explanation.—For the purposes of this section, “commercial employment” means employment in any capacity under, or agency of, a person engaged in trading, commercial, industrial or financial business in any field and includes also a director of a company or partner of a firm or setting up practice either independently or as partner of a firm or as an advisor or a consultant.

6. The Chairperson shall have the powers of general superintendence and directions in the conduct of the affairs of the Board and shall, in addition to presiding over the meetings of the Board, exercise and discharge such other powers and functions of the Board, as may be assigned to him by the Board.

Powers of
Chairperson.

7. The Central Government may remove from office the Chairperson or any other member, who—

Removal of
Chairperson or
any other
member from
office.

(a) has been adjudged as insolvent; or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(c) has become physically or mentally incapable of acting as a member; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest:

Provided that no Chairperson or other member shall be removed from office under clause (d) or clause (e) unless the Central Government, after holding an inquiry by any person appointed or authority constituted for the purpose and in accordance with such procedure as may be prescribed in this behalf, is satisfied that such person ought on such ground or grounds to be removed.

8. (1) The Board shall meet at such times and places, and shall observe such procedure in regard to the transaction of business at its meetings (including the quorum at such meetings) as may be provided by regulations:

Meetings of
the Board.

(2) The Chairperson or, if he is unable to attend a meeting of the Board, the senior-most member present, reckoned from the date of appointment to the Board, shall preside at the meeting:

Provided that in case of common date of appointment of members, the member senior in age shall be considered as senior to the other members.

(3) All questions which come up before any meeting of the Board shall be decided by a majority of the members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding shall have a second or casting vote.

(4) All orders and decisions of the Board shall be authenticated by the Secretary or any other officer of the Board duly authorised by the Chairperson in this behalf.

(3) The Board shall consist of a Chairperson, a Member (Legal) and three other members to be appointed by the Central Government.

(4) The head office of the Board shall be at New Delhi and regional offices at such places as the Board may deem necessary having regard to public interest and magnitude of the work.

Qualifications
for appoint-
ment of Chair-
person and
other members.

4. (1) The Central Government shall appoint the Chairperson and other members of the Board from amongst persons of eminence in the fields of petroleum and natural gas industry, management, finance, law, administration or consumer affairs:

Provided that no person shall be appointed as Member (Legal) unless he—

(a) is qualified to be a Judge of a High Court; or

(b) has been a member of the Indian Legal Service and has held a post in Grade I of that Service for at least three years.

(2) The Central Government shall, for the purposes of selecting the Chairperson and after members of the Board and for preparing a panel of persons to be considered for appointment as the Technical Member (Petroleum and Natural Gas) of the Appellate Tribunal, constitute a Search Committee consisting of—

(i) Member, Planning Commission in charge of the energy sector – *Chairperson*;

(ii) Secretary to the Government of India, Ministry of Petroleum and Natural Gas – *Member*;

(iii) Secretary to the Government of India, Ministry of Finance, Department of Economic Affairs – *Member*;

(iv) Secretary to the Government of India in charge of Commerce, Ministry of Commerce and Industry – *Member*; and

(v) Secretary to the Government of India, Department of Legal Affairs, Ministry of Law and Justice – *Member*.

Term of office,
conditions of
service, etc.,
of Chairperson
and other
members.

5. (1) Before appointing any person as the Chairperson or other member, the Central Government shall satisfy itself that such person does not have any financial or other interest which is likely to affect prejudicially his functions as Chairperson or such other member.

(2) The Chairperson and other members shall hold office for a term of five years from the date on which they enter upon their offices or until they attain the age of sixty-five years, whichever is earlier:

Provided that the Chairperson and other members shall not be eligible for re-appointment.

Explanation.—For the purposes of this section, appointment of a member as Chairperson shall not be deemed to be re-appointment.

(3) A person in the service of the Central Government, a State Government or an undertaking, corporation or company owned or controlled by the Central Government or a State Government or from any other non-Governmental or corporate body shall resign or retire from such service before joining as the Chairperson or other member, as the case may be.

(4) The salaries and allowances payable to and the other terms and conditions of service of the Chairperson and the other members shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or any other member shall be varied to his disadvantage after appointment.

1 of 1956.

(zd) "oil company" means a company registered under the Companies Act, 1956 and includes an association of persons, society or firm, by whatsoever name called or referred to, for carrying out an activity relating to petroleum, petroleum products and natural gas;

(ze) "petroleum" means any liquid hydrocarbon or mixture of hydrocarbons, and any inflammable mixture (liquid, viscous or solid) containing any liquid hydrocarbon, including crude oil and liquefied petroleum gas, and the expression 'petroleum product' shall mean any product manufactured from petroleum;

(zf) "pipeline access code" means the code to establish a framework for third party access to pipelines under sub-clause (f) of clause (e) of section 11;

(zg) "prescribed" means prescribed by rules made by the Central Government under this Act;

(zh) "regulations" means regulations made by the Board under this Act;

(zi) "restrictive trade practice" means a trade practice which has, or may have, the effect of preventing, distorting or restricting competition in any manner and in particular,—

(i) which tends to obstruct the flow of capital or resources into the stream of production, or

(ii) which tends to bring about manipulation of prices, or conditions of delivery or to affect the flow of supplies in the market relating to petroleum, petroleum products or natural gas or services in such manner as to impose on the consumers unjustified costs or restrictions;

(zj) "retail outlet" means filling station where one or more dispensing pumps have been provided for sale of motor spirit, high speed diesel, auto-liquefied petroleum gas or natural gas and includes distributorship for liquefied petroleum gas or dealership for superior kerosene oil or CNG stations;

(zk) "retail service obligations" means obligations of dealers and distributors for maintaining supplies to consumers throughout the specified working hours and of specified quality, quantity and display of maximum retail price of notified petroleum, petroleum products and natural gas including CNG and such other obligations, as may be specified by regulations;

(zl) "rules" means rules made by the Central Government under this Act;

(zm) "Secretary" means the Secretary of the Board;

(zn) "transportation rate", in relation to common carrier or contract carrier or a city or local natural gas distribution network, means such rate for moving each unit of petroleum, petroleum products or natural gas as may be fixed by regulations.

CHAPTER II

PETROLEUM AND NATURAL GAS REGULATORY BOARD

3. (1) With effect from such date as the Central Government may, by notification, appoint, there shall be established, for the purposes of this Act, a Board to be called the Petroleum and Natural Gas Regulatory Board.

Establishment
and incorpora-
tion of the
Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(4) The Board may decide on the period of exclusivity to lay, build, operate or expand a city or local natural gas distribution network for such number of years as it may by order, determine in accordance with the principles laid down by the regulations made by it, in a transparent manner while fully protecting the consumer interests.

(5) For the purposes of this section, the Board shall be guided by the objectives of promoting competition among entities, avoiding infructuous investment, maintaining or increasing supplies or for securing equitable distribution or ensuring adequate availability of petroleum, petroleum products and natural gas throughout the country and follow such principles as the Board may, by regulations, determine in carrying out its functions under this section.

21. (1) The entity laying, building, operating or expanding a pipeline for transportation of petroleum and petroleum products or laying, building, operating or expanding a city or local natural gas distribution network shall have right of first use for its own requirement and the remaining capacity shall be used amongst entities as the Board may, after issuing a declaration under section 20, determine having regard to the needs of fair competition in marketing and availability of petroleum and petroleum products throughout the country:

Right of first use, etc.

Provided that in case of an entity engaged in both marketing of natural gas and laying, building, operating or expanding a pipeline for transportation of natural gas on common carrier or contract carrier basis, the Board shall require such entities to comply with the affiliate code of conduct as may be specified by regulations and may require such entity to separate the activities of marketing of natural gas and the transportation including ownership of the pipeline within such period as may be allowed by the Board and only within the said period, such entity shall have right of first use.

(2) An entity other than an entity authorised to operate shall pay transportation rate for use of common carrier or contract carrier to the entity operating it as an authorised entity.

(3) An entity authorised to lay, build, operate or expand a pipeline as common carrier or contract carrier or to lay, build, operate or expand a city or local natural gas distribution network shall be entitled to institute proceedings before the Board to prevent, or to recover damages for, the infringement of any right relating to authorisation.

Explanation.—For the purposes of this sub-section, “infringement of any right” means doing of any act by any person which interferes with common carrier or contract carrier or causes prejudice to the authorised entity.

22. (1) Subject to the provisions of this Act, the Board shall lay down, by regulations, the transportation tariffs for common carriers or contract carriers or city or local natural gas distribution network and the manner of determining such tariffs.

Transportation tariff.

(2) For the purposes of sub-section (1), the Board shall be guided by the following, namely:—

(a) the factors which may encourage competition, efficiency, economic use of the resources, good performance and optimum investments;

(b) safeguard the consumer interest and at the same time recovery of cost of transportation in a reasonable manner;

(c) the principles rewarding efficiency in performance;

(d) the connected infrastructure such as compressors, pumps, metering units, storage and the like connected to the common carriers or contract carriers;

(e) benchmarking against a reference tariff calculated based on cost of service, internal rate of return, net present value or alternate mode of transport;

(f) policy of the Central Government applicable to common carrier, contract carrier and city or local distribution natural gas network.

Suspension or
cancellation of
authorisation.

23. If the Board, on an application of an affected party or on its own motion, is satisfied that the entity in favour of which authorisation has been granted under section 19 has failed to comply with any conditions of authorisation, it may, after giving an opportunity to such entity of being heard, either suspend the authorisation for such period as the Board may think fit or cancel the authorisation:

Provided that where the Board is of the opinion that an authorised entity persistently acts in a manner prejudicial to the interests of consumers, it may take action for the suspension of the authorisation immediately subject to the opportunity of hearing being given subsequently, after which action so taken may be confirmed or revoked.

CHAPTER V

SETTLEMENT OF DISPUTES

Board to settle
disputes.

24. (1) Save as otherwise provided for arbitration in the relevant agreements between entities or between an entity or any other person, as the case may be, if any dispute arises, in respect of matters referred to in sub-section (2) among entities or between an entity and any other person, such dispute shall be decided by a Bench consisting of the Member (Legal) and one or more members nominated by the Chairperson:

Provided that if the members of the Bench differ on any point or points, they shall state the point or points on which they differ and refer the same to a member other than a member of the Bench for hearing on such point or points and such point or points shall be decided according to the opinion of that member.

(2) The Bench constituted under sub-section (1) shall exercise, on and from the appointed day, all such jurisdiction, powers and authority as were exercisable by a civil court on any matter relating to —

(a) refining, processing, storage, transportation and distribution of petroleum, petroleum products and natural gas by the entities;

(b) marketing and sale of petroleum, petroleum products and natural gas including the quality of service and security of supply to the consumers by the entities; and

(c) registration or authorisation issued by the Board under section 15 or section 19.

(3) Notwithstanding anything contained in the Code of Civil Procedure, 1908, the Board shall have the power to decide matters referred to in sub-section (2) on or after the appointed day. 5 of 1908.

Filing of
complaints.

25. (1) A complaint may be filed before the Board by any person in respect of matters relating to entities or between entities on any matter arising out of the provisions of this Act:

Provided that the complaints of individual consumers maintainable before a consumer disputes redressal forum under the Consumer Protection Act, 1986 shall not be taken up by the Board but shall be heard and disposed of by such forum. 68 of 1986.

Explanation.—For the purposes of this sub-section, the expression “consumer disputes redressal forum” shall mean the district forum, State Commission or, the National Commission, as the case may be, constituted under the provisions of the Consumer Protection Act, 1986. 68 of 1986.

(2) Every complaint made under sub-section (1) shall be filed within sixty days from the date on which any act or conduct constituting a contravention took place and shall be in such form and shall be accompanied by such fee as may be provided by regulations:

Provided that the Board may entertain a complaint after the expiry of the said period if it is satisfied that there was sufficient cause for not filing the complaint within that period.

(3) On receipt of a complaint under sub-section (1), the Board shall decide within thirty days whether there is a *prima facie* case against the entity or entities concerned and may either conduct enquiry on its own or refer the matter for investigation under this Chapter, to

an Investigating Officer having jurisdiction; and, where the matter is referred to such Investigating Officer, on receipt of a report from such Investigating Officer, the Board may, hear and dispose of the complaint as a dispute if it falls under sub-section (2) of section 27 and in any other case, it may pass such orders and issue such directions as it deems fit.

(4) Where the Central Government considers that a matter arising out of the provisions of this Act is required to be investigated, it shall make a reference to the Board and the provisions of this Act shall apply as if such reference were a complaint made to the Board.

26. (1) For the purposes of provisions of section 25, the Board shall, subject to the provisions of sub-section (3), appoint by general or special order, an officer of the Board as an Investigating Officer for holding an investigation in the manner provided by regulations:

Power to investigate.

25 of 1946.

Provided that where the Board considers it necessary that the matter should be investigated by any investigating agency of the State or Central Government including the special police force constituted under section 2 of the Delhi Special Police Establishment Act, 1946, the Board may request the concerned Government for directing or authorising such agency to investigate and the agency so directed or authorised shall, then, be competent to exercise the powers and to discharge the duties of an Investigating Officer under this Act.

(2) No person shall be appointed as an Investigating Officer unless he possesses such qualifications and experience as may be determined by the Board by regulations.

(3) Where more than one Investigating Officer is appointed, the Board shall specify, by order, the matters and the local limits of jurisdiction with respect to which each such officer shall exercise his jurisdiction.

27. The Board shall, while deciding a dispute under this Chapter, have due regard to the provisions of this Act and to the following factors, namely:—

Factors to be taken into account by the Board.

(a) the amount of disproportionate gain made or unfair advantage derived, wherever quantifiable, as a result of the default;

(b) the amount of loss caused to an entity as a result of the default;

(c) the repetitive nature of the default.

28. In case any complaint is filed before the Board by any person or if the Board is satisfied that any person has contravened a direction issued by the Board under this Act to provide access to, or to adhere to the transportation rate in respect of a common carrier, or to display maximum retail price at retail outlets, or violates the terms and conditions subject to which registration or authorisation has been granted under section 15 or section 19 or the retail service obligations or marketing service obligations, or does not furnish information, document, return of report required by the Board, it may, after giving such person an opportunity of being heard in the matter, by order in writing, direct that, without prejudice to any other penalty to which he may be liable under this Act, such person shall pay, by way of civil penalty an amount which shall not exceed one crore rupees for each contravention and in case of a continuing failure with additional penalty which may extend to ten lakh rupees for every day during which the failure continues after contravention of the first such direction:

Civil penalty for contravention of directions given by the Board.

Provided that in the case of a complaint on restrictive trade practice, the amount of civil penalty may extend to five times the unfair gains made by the entity or ten crore rupees, whichever is higher.

29. Every order made by the Board under this Act shall, on a certificate issued by an officer of the Board, shall be executable in the same manner as if it were a decree of a civil court:

Orders passed by Board deemed to be decrees.

Provided that where an appeal lies against an order of the Board and no appeal is preferred then the order of the Board shall be deemed to be a final decree under this section on the expiry of the period allowed for preferring an appeal against such order before the Appellate Tribunal.

CHAPTER VI

APPEALS TO APPELLATE TRIBUNAL

Appellate
Tribunal.

30. (1) Subject to the provisions of this Act, the Appellate Tribunal established under section 110 of the Electricity Act, 2003 shall be the Appellate Tribunal for the purposes of this Act and the said Appellate Tribunal shall exercise the jurisdiction, powers and authority conferred on it by or under this Act: 36 of 2003.

Provided that the Technical Member of the Appellate Tribunal for the purposes of this Act shall be called the Technical Member (Petroleum and Natural Gas) and shall have the qualifications specified in sub-section (2) of section 31.

(2) Notwithstanding anything contained in the Electricity Act, 2003, the Central Government may, for the purposes of this Act, appoint one or more Technical Members (Petroleum and Natural Gas) on the Appellate Tribunal for Electricity or designate a Technical Member of the said Tribunal having the qualifications specified in sub-section (2) of section 31 and when a Technical Member (Petroleum and Natural Gas) is appointed, he shall be in addition to the three other members appointed under the said Act. 36 of 2003.

Technical
Member
(Petroleum and
Natural Gas).

31. (1) The Technical Member (Petroleum and Natural Gas) shall be appointed from the panel prepared by the Search Committee constituted under sub-section (2) of section 4.

(2) A person shall not be qualified for appointment as a Technical Member (Petroleum and Natural Gas) of the Appellate Tribunal unless he—

(i) is, or has been, a Secretary for at least one year in the Ministry or Department of the Central Government having adequate experience in energy sector, especially in matters relating to Petroleum and Natural Gas sector; or

(ii) is, or has been, a person of ability and standing, having adequate knowledge or experience in dealing with matters relating to exploration, production, transmission pipelines, marketing or regulation of petroleum, petroleum products or natural gas, economics, commerce, law or management.

Terms and
conditions of
service of
Technical
Member
(Petroleum and
Natural Gas).

32. The term of office, the salaries and allowances payable to and the other terms and conditions of service of the Technical Member (Petroleum and Natural Gas) shall be the same as applicable to the other members of the Appellate Tribunal.

Appeals to
Appellate
Tribunal.

33. (1) Any person aggrieved by an order or decision made by the Board under this Act may prefer an appeal to the Appellate Tribunal:

Provided that any person preferring an appeal against an order or decision of the Board levying any penalty shall, while filing the appeal, deposit the amount of such penalty:

Provided further that where in any particular case, the Appellate Tribunal is of the opinion that deposit of such penalty would cause undue hardship to such person, it may dispense with such deposit subject to such conditions as it may deem fit to impose so as to safeguard the realisation of penalty.

(2) Every appeal under sub-section (1) shall be filed within a period of thirty days from the date on which a copy of the direction or order of decision made by the Board is received by the aggrieved person and it shall be in such form, verified in such manner and be accompanied by such fee as may be prescribed:

Provided that the Appellate Tribunal may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

(3) On receipt of an appeal under sub-section (1), the Appellate Tribunal may, after giving the parties an opportunity of being heard, pass such orders thereon as it thinks fit.

(4) The Appellate Tribunal shall send a copy of every order made by it to the parties to the appeal and to the Board.

(5) The appeal filed under sub-section (1) shall be dealt with by the Appellate Tribunal as expeditiously as possible and endeavour shall be made by it to dispose of the appeal finally within ninety days from the date of receipt of appeal:

Provided that where any such appeal could not be disposed of within the said period of ninety days, the Appellate Tribunal shall record its reasons in writing for not disposing of the appeal within the said period.

(6) The Appellate Tribunal may, for the purpose of examining the legality or propriety or correctness of any order or decision of the Board referred to in the appeal filed under sub-section (1), either on its own motion or otherwise, call for the records relevant to disposing of such appeal and make such orders as it thinks fit.

36 of 2003. 34. The provisions of sections 120 to 124 (both inclusive) of the Electricity Act, 2003 shall *mutatis mutandis* apply to the Appellate Tribunal in the discharge of its functions under this Act as they apply to it in the discharge of its functions under the Electricity Act, 2003. Procedure and powers of the Appellate Tribunal.

35. The Appellate Tribunal may, by notification, make rules consistent with the provisions of this Act as to the conduct and procedure in respect of all proceedings before it under this Act. Power of Appellate Tribunal to make rules

36. (1) Every order made by the Appellate Tribunal under this Act shall be executable by the Appellate Tribunal as a decree of a civil court, and for this purpose, the Appellate Tribunal shall have all the powers of a civil court. Orders passed by Appellate Tribunal to be executable as a decree.

(2) Notwithstanding anything contained in sub-section (1), the Appellate Tribunal may transmit any order made by it to a civil court having jurisdiction and such civil court shall execute the order as if it were a decree made by that court.

5 of 1908. 37. (1) Notwithstanding anything contained in the Code of Civil Procedure, 1908 or in any other law, an appeal shall lie against any order, not being an interlocutory order, of the Appellate Tribunal to the Supreme Court on one or more of the grounds specified in section 100 of that Code. Appeal to Supreme Court.

(2) No appeal shall lie against any decision or order made by the Appellate Tribunal with the consent of the parties.

(3) Every appeal under this section shall be preferred within a period of ninety days from the date of the decision or order appealed against:

Provided that the Supreme Court may entertain the appeal after the expiry of the said period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

CHAPTER VII

FINANCE, ACCOUNTS AND AUDIT

Grants by
Central
Government.

38. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Board grants of such sums of money as are required to pay salaries and allowances payable to the Chairperson and the other members and the administrative expenses including the salaries, allowances and pensions payable to the officers and employees of the Board.

Fund.

39. (1) There shall be constituted a Fund to be called the Petroleum and Natural Gas Regulatory Board Fund and there shall be credited thereto—

(i) all grants, fees, penalties and charges received by the Board under this Act; and

(ii) all sums received by the Board from such other sources as may be approved by the Central Government.

(2) The Fund shall be applied for making payments towards—

(i) the salaries and allowances payable to the Chairperson and other members and the administrative expenses including the salaries, allowances and pensions payable to the officers and employees of the Board;

(ii) the expenses incurred or to be incurred in carrying out the provisions of this Act.

(3) The Central Government shall—

(i) constitute a committee consisting of such persons as it thinks fit to recommend to that Government the budgetary requirements of the Board for salaries, allowances and all other expenses; and

(ii) fix the budgetary ceiling of the Board on the basis of the recommendations of the committee.

Accounts and
audit.

40. (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Board shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General of India.

Explanation.—For the removal of doubts, it is hereby declared that the decisions of the Board taken in the discharge of its functions under this Act, being matters appealable to the Appellate Tribunal, shall not be subject to audit under this section.

(3) The Comptroller and Auditor-General of India or any other person appointed by him in connection with the audit of the accounts of the Board shall have the same rights and privileges and authority in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and inspection of offices of the Board.

(4) The accounts of the Board as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

41. (1) The Board shall prepare once every year in such form and at such time as may be prescribed, an annual report giving a summary of its activities including information relating to the proceedings and policies during the previous years and such report shall also contain statements of annual accounts of the Board.

Annual report
and its laying
before
Parliament.

(2) A copy of the report shall be forwarded to the Central Government and the Central Government shall cause such report to be laid, as soon as may be after it is received, before each House of Parliament.

CHAPTER VIII

POWER OF CENTRAL GOVERNMENT

42. (1) The Central Government may, from time to time, by writing issue to the Board such directions as it may think necessary in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States or public order.

Power of
Central
Government
to issue
directions.

(2) Without prejudice to the foregoing provision, the Central Government may, if it finds necessary or expedient so to do in public interest or for maintaining or increasing supplies of petroleum, petroleum products or natural gas or all or any of them or for securing their equitable distribution and ensuring adequate availability, issue policy directives to the Board in writing and such policy directives shall be binding upon the Board:

Provided that no such directive shall relate to any day-to-day affairs of the Board:

Provided further that the Board shall, as far as practicable, be given an opportunity of expressing its views before any directive is issued under this sub-section.

(3) The decision of the Central Government whether a question is one of policy or not shall be final.

43. (1) In the event of war or natural calamity or such other similar circumstances leading to disruption of supply of petroleum, petroleum products or natural gas, the Central Government may, for ensuring the continuous supply of petroleum, petroleum products or natural gas, by notification, either take over the control and management of any storage site, facilities and business premises of any entity and retail outlets or suspend its operations or entrust, to any agency of the Central or State Government for such time and manage it in such manner, as may be specified in that notification:

Taking over
control and
management
of facilities
and business
premises of
any entity and
retail outlets
in public
interest.

Provided that the affected entities shall be given an opportunity of being heard before issuing orders to take over the control and management of retail outlets and other business premises:

Provided further that in case of any urgency or in cases where the circumstances do not permit serving of notice for want of sufficient time or otherwise upon the entity against whom the order is directed, the opportunity of hearing may be dispensed with in public interest in order to maintain the uninterrupted supply of petroleum, petroleum products or natural gas for a specified period.

(2) The collector of the revenue district in which the property referred to in the notification issued under sub-section (1) is situated shall determine the amount of compensation payable for taking over of the property.

(3) The form and manner in which an application for claiming compensation under this section shall be made, the procedure for determining the compensation and the time within which such compensation shall be payable, shall be such as may be prescribed.

CHAPTER IX

OFFENCES AND PUNISHMENT

Punishment for
contravention
of directions of
the Board.

44. If a person contravenes the directions of the Board, such person shall be punishable with fine which may extend to twenty-five crore rupees and in case of continuing contravention with additional fine which may extend to ten lakh rupees for every day during which the contravention continues.

Penalty for
wilful failure
to comply
with orders
of Appellate
Tribunal.

45. If any person wilfully fails to comply with the order of the Appellate Tribunal, he shall be punishable with fine which may extend to one crore rupees and in case of a second or subsequent offence with fine which may extend to two crore rupees and in the case of continuing contravention with additional fine which may extend to twenty lakh rupees for every day during which such default continues.

Punishment for
unauthorised
activities.

46. If any person, being an entity, markets any notified petroleum, petroleum products or natural gas without a valid registration, or authorisation such person shall be punishable with imprisonment which may extend to three years or with fine which may extend to twenty-five crore rupees or with both, and in case of continuing contravention with additional fine which may extend to ten lakh rupees for every day during which the contravention continues.

Punishment for
establishing or
operating a
liquefied natural
gas terminal
without
registration.

47. If a person establishes or operates a liquefied natural gas terminal without registration as required under section 15, such person shall be liable for punishment with an imprisonment for a term which may extend to three years or penalty of twenty-five crore rupees or with both, and in case of continuing contravention with additional fine which may extend to ten lakh rupees for every day during which the contravention continues.

Punishment for
laying, building,
operating or
expanding a
common
carrier or
contract
carrier without
authorisation.

48. If a person lays, builds, operates or expands a common carrier or contract carrier or a city or local natural gas distribution network without obtaining authorisation required under section 19, such person shall be liable for punishment with an imprisonment for a term which may extend to three years or penalty of twenty-five crore rupees or with both, and in case of continuing contravention with additional fine which may extend to ten lakh rupees for every day during which the contravention continues.

Punishment for
wilful damages
to common
carrier or
contract carrier.

49. Every person who wilfully removes, destroys or damages any pipeline or city or local natural gas distribution network or other work of the common carrier or contract carrier for supplying petroleum, petroleum products or natural gas shall for each such offence be punishable with imprisonment which may extend to three years or with fine which may extend to twenty-five crore rupees or with both, and, in case of continuing contravention with additional fine which may extend to ten lakh rupees for every day during which such contravention continues.

Offences by
companies.

50. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part

of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

CHAPTER X

MISCELLANEOUS

51. (1) The Board shall maintain a data bank and information system relating to activities of entities dealing with petroleum, petroleum products and natural gas in such form and manner as may be provided by regulations.

Maintenance of data bank and information.

(2) The Board shall have power to verify the data supplied by the entities and appoint any person or persons for the purpose and take such measures as it may consider necessary.

52. (1) Every entity shall—

Obligations of entities.

(a) maintain such documentary records as may be specified by the Board by regulations;

(b) allow inspection of such facilities and documentary records, as may be specified by the Board, by any person authorised by the Board;

(c) commence operation of activities for which authorisation has been granted within such period as may be specified by the Board in the document of authorisation;

(d) register—

(i) agreements with the Board relating to use of pipelines for supply of petroleum, petroleum products and natural gas; or

(ii) any other document which the Board may determine by regulations;

(e) comply with marketing service obligations and retail service obligations.

(2) The Board may call for any information from any entity including information which is considered necessary for ensuring transparency or ascertaining true ownership of the entity.

(3) The Board or any officer authorised by the Board shall have the power to inspect and obtain information, wherever necessary, from the entities.

(4) For the effective enforcement of the terms and conditions of authorisation, the Board or any officer authorised by it for that purpose, shall have all the powers of an inspecting officer as provided under section 209A of the Companies Act, 1956.

1 of 1956.

(5) It shall be the duty of every entity to carry out the directions of the Board given under this section.

(6) The Board shall maintain confidentiality in respect of any information and record received by it from the entities and shall not disclose information contained therein to any person or authority except on the grounds of public interest.

53. The Board shall furnish to the Central Government at such time and in such form and manner as may be prescribed or as the Central Government may direct, such returns and statements and such particulars in regard to any matter in connection with proposed or existing activities under this Act, as the Central Government may, from time to time, require.

Furnishing of returns, etc., to Central Government.

Chairperson, members, etc., to be public servants.

54. The Chairperson, Members, Officers and other employees of the Board and Technical Member (Petroleum and Natural Gas) of the Appellate Tribunal shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Protection of action taken in good faith.

55. No suit, prosecution or other legal proceeding shall lie against the Central Government, Board, Technical Authority or Appellate Tribunal or any officer of the Central Government or any Chairperson, Member, officer or other employee of the Board or Technical Member (Petroleum and Natural Gas) of the Appellate Tribunal for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

Civil courts not to have jurisdiction.

56. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Board or the Appellate Tribunal is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Cognizance of certain offences.

57. (1) No court shall take cognizance of any offence punishable under Chapter IX save on a complaint made by the Board or by any investigating agency directed by the Central Government.

(2) No court inferior to that of a Chief Metropolitan Magistrate or of a Chief Judicial Magistrate shall try any offence punishable under Chapter IX.

(3) Every offence punishable under sections 44, 45, 46 and 47 shall be cognizable.

Delegation.

58. The Board may, by general or special order in writing, delegate to any member or officer of the Board subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act (except the power to settle a dispute under Chapter VI and to make regulations under section 61), as it may deem necessary.

Power to remove difficulties.

59. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as it may deem necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Power of Central Government to make rules.

60. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the salaries and allowances payable to and the other conditions of service of the Chairperson and the other members under sub-section (4) of section 5;

(b) the procedure for appointment of any person or constitution of any authority and conducting inquiry under section 7;

(c) the salaries and allowances payable to and the other terms and conditions of service of the Secretary, officers and other employees of the Board, under sub-section (3) of section 10;

(d) any other matter in respect of which the Board may exercise the powers of a civil court under clause (i) of sub-section (1) of section 13;

(e) the eligibility conditions which an entity shall fulfil for registration under sub-section (1) of section 15;

(f) the form of appeal and the manner of verifying such form, and the fee which shall accompany such form, under sub-section (2) of section 33;

(g) the manner in which the accounts of the Board shall be maintained under sub-section (1) of section 40;

(h) the time and manner in which the annual report of the Board shall be prepared under sub-section (1) of section 41;

(i) the form and manner in which applications for claiming compensation shall be made, the procedure for determining the compensation and the time within which such compensation shall be payable, under sub-section (3) of section 43;

(j) the time and manner in which returns and statements are to be furnished by the Board to the Central Government under section 53;

(k) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

61. (1) The Board may, by notification, make regulations consistent with this Act and the rules made thereunder to carry out the provisions of this Act.

Power of Board to make regulations.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-

(a) the time and places of meetings of the Board and the procedure (including quorum necessary for the transaction of business) to be followed at such meetings under sub-section (1) of section 8;

(b) the powers and duties of the Secretary under sub-section (1) of section 10;

(c) the terms and conditions of the consultants appointed under sub-section (4) of section 10;

(d) the capacity of storage facilities for petroleum, petroleum products or natural gas requiring registration under sub-clause (iii) of clause (b) of section 11;

(e) regulating open access to and transportation rate for the common carrier or contract carrier or city or local natural gas distribution network and other matters referred to in clause (e) of section 11;

(f) marketing service obligations for entities and retail service obligations for retail outlets under sub-clause (v) of clause (f) of section 11;

(g) levy of fees and other charges under clause (g) of section 11;

(h) the technical standards and specifications including safety standards in activities relating to petroleum, petroleum products and natural gas under clause (i) of section 11;

(i) the procedure to be followed by the Board including the places at which it shall conduct its business under sub-section (3) of section 13;

(j) the manner of maintaining the Petroleum and Natural Gas Register under sub-section (1) of section 14;

(k) the form and manner of making application for obtaining certified copy of any entry in the register and the fee which shall accompany such application, under sub-section (4) of section 14;

(l) the form and manner in which an application under sub-section (1) of section 15 shall be made and the fee which shall accompany such application under sub-section (2) of section 15;

(m) the manner by which a certificate of registration granted under sub-section (3) of section 15 may be suspended or cancelled under sub-section (4) of section 15;

(n) the form and manner in which an application under sub-section (1) or sub-section (2) of section 17 shall be made and the fee which shall accompany such application under sub-section (3) of section 17;

(o) the form and manner in which publicity of acceptance of applications for registration shall be made under section 18;

(p) the manner of selection of an entity under sub-section (2) of section 19;

(q) the principles for determining the number of years for which a city or local natural gas distribution network shall be excluded from the purview of a common carrier or contract carrier under sub-section (4) of section 20;

(r) the guiding principles to be followed by the Board and the objectives for declaring, or authorising to lay, build, operate or expand a common carrier or contract carrier for declaring, or authorising to lay, build, operate or expand a city or local natural gas distribution network, under sub-section (5) of section 20;

(s) the affiliate code of conduct under which the entities are required to comply with under the proviso to sub-section (1) of section 21;

(t) the transportation tariffs for common carriers or contract carriers or city or local natural gas distribution network and the manner of determining such tariffs under sub-section (1) of section 22;

(u) the form in which a complaint may be made and the fee which shall accompany such complaint, under sub-section (2) of section 25;

(v) the manner of holding an investigation by an Investigating Officer under sub-section (1) of section 26;

(w) the qualifications and experience which any person for appointment as an Investigating Officer shall possess, under sub-section (2) of section 26;

(x) the form and manner of maintaining data bank and information system by the Board under sub-section (1) of section 51;

(y) maintenance of documentary records by an entity, under clause (a) of sub-section (1) of section 52;

(z) any other type of documents which are to be registered with the Board under sub-clause (ii) of clause (d) of sub-section (1) of section 52;

(za) any other matter which is required to be, or may be, specified by regulations or in respect of which provision is to be or may be made by regulations.

Rules and regulations to be laid before Parliament.

62. Every rule made by the Central Government and every regulation made by the Board under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

63. (1) Where, before the commencement of this Act, an agreement or agreements have been entered into between one oil company and another for the purpose of sharing of petroleum products or sharing of infrastructure facilities among the oil companies and such agreements have been approved by the Central Government, the Board may monitor the implementation of such agreements for the transition period.

Transitional
arrangements

(2) The Board shall monitor setting up of dealerships and distributorships of motor spirit, high speed diesel, superior kerosene oil, liquefied petroleum gas and CNG stations for natural gas during transition period by the entities without encroaching on the retail network of the existing entities.

Explanation I.—For the purposes of this section, the expression “transition period” shall mean a period of three years from the date of commencement of this Act.

Explanation II.—For the purposes of this section, “infrastructure facilities” shall mean facilities at ports, refineries, terminals, depots and aviation fuelling stations including hydrant lines and shall include loading and unloading facilities.

Explanation III.—For the purposes of this section “encroaching” includes taking over of retail outlet of one entity by another.

K. N. CHATURVEDI,
Secy. to the Govt. of India.

CP 71

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग III—खण्ड 4

PART III—Section 4

प्राधिकार से प्रकाशित

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पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड

अधिसूचना

नई दिल्ली, 19 मई, 2015

फा. सं. इफ्रा/पीएनजीआरबी/केपडेट/सीजीडी/02/2015.—पेट्रोलियम और प्राकृतिक गैस विनियामक अधिनियम 2006 (2006 का 19) की धारा 61 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड एतद्वारा निम्नलिखित विनियम बनाता है, नामतः:

1. संक्षिप्त शीर्षक और प्रारंभण:

(1) इन विनियमों को पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (नगर या स्थानीय प्राकृतिक गैस वितरण नेटवर्क का क्षमता निर्धारण) विनियम, 2015 कहा जाएगा।

(2) ये विनियम सरकारी राजपत्र में उनके प्रकाशन की तारीख से प्रवृत्त होंगे।

2. परिभाषाएं

(1) इन विनियमों में जब तक अन्यथा अपेक्षित न हो, -

(क) "अधिनियम" का अर्थ पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड अधिनियम, 2006 से है;

(ख) "नियत दिवस" का अर्थ 1 अक्टूबर, 2007 तारीख है, जब केन्द्र सरकार ने पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड की स्थापना को अधिसूचित किया था;

(ग) "प्राधिकृत क्षेत्र" का अर्थ उस क्षेत्र से है जैसा कि पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (नगर या स्थानीय प्राकृतिक गैस वितरण नेटवर्क विछाने, निर्माण, प्रचालन या विस्तार करने के लिए कंपनियों को प्राधिकृत करना) विनियम, 2008 के अंतर्गत परिभाषित किया गया है;

- (घ) "प्राधिकृत कंपनी" का अर्थ उस कंपनी से है जिसे अधिनियम के अंतर्गत किसी भौगोलिक क्षेत्र (जीए) में नगर या स्थानीय प्राकृतिक गैस वितरण नेटवर्क को बिछाने, निर्माण, प्रचालन या विस्तार करने के लिए प्राधिकृत किया गया है और संगत विनियमों को इसके अंतर्गत बनाया गया है;
- (ङ) "बोर्ड" का अर्थ पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड से है जिसकी अधिनियम की धारा 3 की उप-धारा (1) के अंतर्गत स्थापना की गई है;
- (च) "क्षमता आकलन समूह" का अर्थ उस समूह से है जिसमें कंपनी के अलावा दो प्राधिकृत कंपनियों के प्रतिनिधियों का एक समूह शामिल है जिस से सीजीडी नेटवर्क क्षमता को प्रमाणित किया जाना होता है तथा बोर्ड द्वारा लिए गए निर्णय के अनुसार बोर्ड का प्रतिनिधि मामला दर मामला आधार पर निर्णय लेता है या कोई एजेंसी या कंपनी या प्राधिकृत व्यक्ति या अन्य कोई अनुमोदित तृतीय पक्षकार जिसे बोर्ड द्वारा सीजीडी नेटवर्क की क्षमता का निर्धारण करने के लिए प्राधिकृत किया गया हो;
- (छ) "सीजीडी नेटवर्क क्षमता" का अर्थ प्राकृतिक गैस की मानक घन मीटर प्रति घंटा (एससीएमएच) में अधिकतम मात्रा से है जिसे किसी विशिष्ट बिंदु पर स्टील पाइपलाइन नेटवर्क में इंजेक्ट किया या निकाला जा सकता हो, जो स्टील नेटवर्क में स्थिर स्थिति में नियत सभी तकनीकी और प्रचालनात्मक मापदंडों को पूरा करता हो, अर्थात् सभी मापदंड जैसे प्रवाह, दबाव, तापमान में सामंजस्य हो और वे केवल स्टील नेटवर्क के साथ भिन्नता रखते हों, लेकिन समय के साथ नहीं या स्टील नेटवर्क के साथ जुड़े सभी नगर गेट स्टेशनों (सीजीएस) की कुल दर क्षमता (एससीएमएच में), जो भी कम हो। ऐसे मामले, जहां कोई प्रवेश बिंदु (सीजीएस)/ डीपीआरएस/ अभिरक्षा माप प्रणाली) मध्यम घनत्व पोलि एथीलीन (एमडीपीई) नेटवर्क से सीधे जुड़ी है, जिसमें कोई स्टील नेटवर्क शामिल न हो, ऐसे प्रवेश बिंदुओं की दर क्षमता पर विचार किया जाएगा;
- (ज) "सीजीडी घोषित क्षमता" का अर्थ वितरण क्षमता (एससीएमएच में) से है जिस पर स्टील पाइपलाइन नेटवर्क अनुमोदित प्रवाह समीकरण पर आधारित चयनित सॉफ्टवेयर पैकेज या कुल दर क्षमता, जो भी कम हो, से संबद्ध हो। ऐसे मामले, जहां कोई प्रवेश बिंदु (सीजीएस / डीपीआरएस/अभिरक्षा माप प्रणाली) किसी स्टील नेटवर्क की भागीदारी के बिना एमडीपीई नेटवर्क से सीधे जुड़ा है, वहां ऐसे प्रवेश बिंदुओं की दर क्षमता भी घोषित की जाएगी;
- (झ) "नगर या स्थानीय प्राकृतिक गैस वितरण नेटवर्क" (इसके बाद से सीजीडी नेटवर्क के रूप में उल्लेख किया जाएगा) का अर्थ अधिनियम की धारा 2 के खंड (i) के अंतर्गत परिभाषित अनुसार पाइपलाइन नेटवर्क से है;
- (ञ) "सीएनजी स्टेशन क्षमता" संबंधित स्टेशनों पर चल रहे कंप्रेसरों की अधिकतम दर क्षमता या कंप्रेसरों के इनलेट फ्लैज पर निर्धारित अधिकतम क्षमता, जो भी कम हो, होगी;
- (ट) "उपभोक्ता" का अर्थ पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (नगर या स्थानीय प्राकृतिक गैस वितरण नेटवर्क के लिए सेवा की गुणवत्ता हेतु आचार संहिता) विनियम, 2010 के विनियम 2 के उप-विनियम 1 के खंड (घ), (ङ), (च) या (छ) के अंतर्गत परिभाषित अनुसार उपभोक्ता से है;
- (ठ) "ऑपरेटर" का अर्थ उस कंपनी से है जो बोर्ड के प्राधिकरण के साथ सीजीडी नेटवर्क का प्रचालन करता है;
- (ड) "चयनित सॉफ्टवेयर पैकेज" का अर्थ सीजीडी नेटवर्क की क्षमता के निर्धारण हेतु कंपनी द्वारा प्रयुक्त सॉफ्टवेयर पैकेज से है;
- (ढ) "स्थिर अवस्था स्थिति" का अर्थ विनिर्दिष्ट सीमा स्थितियों तथा नेटवर्क तत्व सेट बिंदुओं, जो प्रवेश करते हैं, का प्रयोग करके स्टील पाइपलाइन नेटवर्क के जरिए समय-अपरिवर्तनीय दबाव, तापमान और प्रवाह प्रोफाइल पर

हेक्सेन:			
नाइट्रोजन:			
विशिष्ट गुरुत्व:			
जीसीवी:	किलो. कैलोरी /एससीएम	जीसीवी:	किलो. कैलोरी /एससीएम
एनसीवी:	किलो. कैलोरी /एससीएम	एनसीवी:	किलो. कैलोरी /एससीएम

टिप्पणी: ट्रांसपोर्टर / ट्रांसमिशन कंपनी के साथ करार/अनुबंध करार की प्रतियां, जिनमें सम्मत/ प्रतिबद्धित सुपुर्दगी दबाव, तापमान आदि उपलब्ध करवाया जाएगा।

PETROLEUM AND NATURAL GAS REGULATORY BOARD NOTIFICATION

New Delhi, the 19th May 2015

F. No. Infra/PNGRB/Capdet/CGD/02/2015.—In exercise of the powers conferred by section 61 of the Petroleum and Natural Gas Regulatory Act, 2006 (19 of 2006), the Petroleum and Natural Gas Regulatory Board hereby makes the following regulations, namely:—

1. Short title and commencement.

- (1) These regulations may be called the Petroleum and Natural Gas Regulatory Board (Determining Capacity of City or Local Natural Gas Distribution Network) Regulations, 2015.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

- (1) In these regulations, unless the context otherwise requires,—

- (a) "Act" means the Petroleum and Natural Gas Regulatory Board Act, 2006;
- (b) "appointed day" means the date of October 1, 2007 when the Central Government notified the establishment of the Petroleum and Natural Gas Regulatory Board;
- (c) "authorized area" means the area as defined under the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008;
- (d) "authorised entity" means an entity that is authorised to lay, build, operate or expand a city or local natural gas distribution network in a geographical area (GA) under the Act and the relevant regulations made thereunder;
- (e) "Board" means the Petroleum and Natural Gas Regulatory Board established under sub-section (1) of section 3 of the Act;
- (f) "capacity assessment group" means a group comprising representatives of two authorised entities other than the entity of which the CGD network capacity is to be certified and a representative of the Board as decided by the Board on case to case basis or any agency or entity or authorized person or any approved third party authorized by the Board for determining the capacity of the CGD network;
- (g) "CGD network capacity" means the maximum quantity in standard cubic metres per hour (SCMH) of natural gas that can be injected into or off taken from the steel pipeline network at specific points, meeting all the technical and operational parameters fixed in steel network at steady state conditions, that is, all parameters like flow, pressure, temperature, are in harmony and vary only along the steel network but not with time or the aggregate rated capacity (in SCMH) of all City Gate Stations (CGS) connected to steel network, whichever is lower. For cases, where any entry points (CGS/DPRS/custody metering systems) are connected directly to the medium density poly ethylene (MDPE) network without involvement of any steel network, the rated capacity of such entry points shall be considered;

- (h) "CGD declared capacity" means the capacity (in SCMH) that the steel pipeline network is capable of distributing under the steady state operating conditions determined based on the approved flow equation and the selected software package or the aggregate rated capacity (in SCMH) of all City Gate Stations connected to steel network, whichever is lower. For cases, where any entry points (CGS/DPRS/custody metering systems) are connected directly to the MDPE network without involvement of any steel network, the rated capacity of such entry points shall also be declared;
- (i) "city or local natural gas distribution network" (hereinafter referred to as CGD network) means a pipeline network as defined under clause (i) of section 2 of the Act;
- (j) "CNG Station Capacity" shall be the maximum rated capacity of running compressors at respective stations or the maximum capacity determined at the inlet flange of the compressors whichever is lower;
- (k) "consumer" means consumer as defined under clause (d), (e), (f) or (g) of sub-regulation 1 of regulation 2 of the Petroleum and Natural Gas Regulatory Board (Code of Practice for Quality of Service for City or Local Natural Gas Distribution Networks) Regulations, 2010;
- (l) "operator" means an entity that operates CGD network with authorization of the Board;
- (m) "selected software package" means the software package used by the entity for determination of capacity of the CGD network;
- (n) "steady state condition" means calculation carried out based on time-invariant pressure, temperature and flow profiles throughout a steel pipeline network using specified boundary conditions and network element set points that are entered. In other words, the steady-state run calculates the hydraulic state of a network operating at equilibrium;
- (o) "steel pipeline network" means the steel pipeline laid and commissioned originating from the source (primarily at tap-off point from any transportation / transmission / primary network or city gate station) up to the Distribution Pressure Regulating Station or District Regulating Station (DPRS or DRS), Metering and Regulating Station (MRS) and inlet flange of CNG compressor station;
- (p) "third party contracted capacity" means the quantity (in SCMH) of natural gas contracted with any third party for transportation through a pipeline system;
- (2) Words and expressions used and not defined in these regulations, but defined in the Act or in the rules or regulations made thereunder, shall have the meanings respectively assigned to them in the Act or in the rules or regulations, as the case may be.

3. Applicability

- (1) These regulations shall apply to an entity which is laying, building, operating or expanding or which proposes to lay, build, operate or expand a city or local natural gas distribution network.
- (2) These regulations cover the procedure, parameters both constant and variable and frequency of declaration of CGD network capacity in SCMH for CGD network.
- (3) These regulations shall not be applicable to sub-transmission pipelines, MDPE network system downstream of DPRS/DRS and service lines, including GI/copper piping of CGD network.

Note: In case, any sub-transmission pipeline has been laid by the authorised entity, the details of the same upto CGS or upto connectivity with primary network in the authorized GA shall be provided by the entity as per Annexure-3. The capacity of sub-transmission pipeline from Custody Transfer Flange downstream of connectivity from transmission pipeline upto CGS or upto connectivity with primary network in the authorized GA shall also be determined.

4. Objective.

- (1) It is intended to apply these regulations to all CGD networks for the purpose of declaration of CGD network capacity.
- (2) The capacity of the CGD network so determined shall be used for providing access to shipper on non-discriminatory basis under the Petroleum and Natural Gas Regulatory Board (Access Code for City or Local Natural Gas Distribution Networks) Regulations, 2011.

5. Determining capacity of a City or Local Natural Gas Distribution Network.

- (1) The determination of capacity for the CGD network shall be based on selected software package and flow equation approved by the Board under these regulations. It is not necessary for the entities to buy and install any specific software package. The entities may continue to use or operate the system based on the previously installed software but shall have to determine the capacity of the system based on the flow equation approved by the Board in any of the selected software package for the purpose of these regulations.
- (2) The entity while submitting the capacity of the CGD network to the Board, shall furnish a declaration that the capacity has been calculated using the approved flow equation. The entity shall also submit the detailed report of the capacity and indicate the software used for the purpose within ninety days of the notification of these regulations and thereafter as per the periodicity for determining capacity of CGD network defined in regulation 7.
- (3) The parameters for running the steady state simulation for determining the CGD network capacity shall be considered as given below, namely:-

(a) **Constant parameters** in the unit as specified in the approved flow equation as per sub-clause (v) of this clause.

(i) **Internal diameter (ID)** – The internal diameter shall be determined by deducting twice the thickness from outer diameter of steel pipes used in the CGD network. Further, the internal diameter shall be determined based on weighted average of internal diameters based on different pipe thicknesses used in different sections in the pipeline system.

(ii) **Length** – The actual length (for already installed pipeline) or proposed length (for yet to be installed pipeline) of the pipe in the pipeline system.

(iii) **Roughness** – This is a fixed value for a pipe which determines the unevenness inside a pipe. Depending on the pipe material, the below given value for roughness factor shall be used :

Type of Material	Roughness (micron)
Steel – New Pipe (up to ten years old)	
- With internal coating	10-15
- Without internal coating	25-45
Steel-Old Pipe (more than ten years old)	
- With internal coating	15-20
- Without internal coating	45-100

For old pipelines already operating, roughness factor shall be determined by duly calibrating actual field data in the approved flow equation. These factors shall be assessed by the capacity assessment group. For new pipelines, roughness factor used shall be decided keeping in view the operating conditions and pipeline feature like bends, valves, or any other restrictions present in the system:

Provided that the entity shall declare in advance the roughness factor considered for the pipes with relevant operating data to support the value chosen.

(iv) **Efficiency factor** –

Steel Pipeline – Efficiency factor within the range of 0.85 to 1.0 shall be used. For old pipelines already operating, efficiency factor shall be determined by duly calibrating actual field data in the approved flow equation. These factors shall be assessed by the capacity assessment group. For new pipelines efficiency factor used shall be decided keeping in view the operating conditions and pipeline feature like bends, valves, life of pipeline or any other restrictions present in the system:

Provided that the entity shall declare in advance the efficiency factor considered for the pipes with relevant operating data to support the value chosen giving complete analysis. The Board may direct the entity to improve upon such design.

22/11/15-5

(v) **Formula** – For determination of flow rate and pressure drop in the pipeline, the following flow equation shall be used:

Type of Network	Name of Flow equation
Steel Network	Colebrook White / Fundamental pipe equation with flow dependent (Colebrook White) friction factor

(vi) **Velocity** – The maximum allowable velocity of the gas in the steel pipeline section of CGD network shall be 30 m/s.

(vii) The steel pipeline network capacity shall be determined at maximum operating pressure (MOP) for the CGD network and with the following standard Pressure and Temperature conditions:

Standard pressure	– 1.01325 bar (a).
Standard temperature	– 15.56 degree C

(b) Variable parameters-

(i) **Operating temperature** – For the purpose of determining the capacity and for annual capacity declaration to the Board, the summer temperature of 30 °C shall be considered by all the entities.

(ii) **Inlet temperature** – This is the actual inlet temperature (° C) of the gas from the source into the CGD network.

(iii) **Outlet temperature** – This is the actual outlet temperature (° C) of the gas at the delivery point.

(iv) **Inlet pressure** – The maximum pressure (in barg) that is available at the entry point to the CGD network and shall be declared by the CGD entity during capacity declaration.

(v) **Outlet pressure** – The minimum pressure (in barg) that is required by the consumer at the delivery or exit point as per access arrangement entered into by the shipper and the authorised entity.

(vi) **Maximum operating pressure (MOP)** – This is the highest pressure (in barg) at which a CGD Network operates during normal operating cycle and shall be declared by the CGD entity for capacity determination. However, in case an entity is operating the CGD network at certain pressure which is at variance from above for more than or equal to five years, need to submit calculation carried in line with the Petroleum and Natural Gas Regulatory Board (Technical Standards and Specifications including Safety Standards for City or Local Natural Gas Distribution Networks) Regulations, 2008 and ASME B31.8 (Latest edition) supporting the revised MOP considered in determination of CGD network capacity. For the purpose of determining MOP, the Board shall be guided by incoming pressure at city gate station or custody transfer point.

Note: In case, any sub-transmission pipeline has been laid by the CGD entity, the details of the same upto the connectivity with primary network in the authorized GA shall be provided by the entity as per Annexure-3 for the purpose of arriving at the incoming pressure at the entry of primary network in the authorized GA.

(vii) **Minimum committed pressure (MCP)** – This is the minimum pressure (in barg) at the exit points and shall be declared by the CGD entity during capacity declaration.

(viii) **Source supply flow** – This is the maximum flow (in SCMH) that can be available from the source (primarily a Tap-off point from any Transportation / Transmission / Sub-Transmission Pipeline or City Gate Station).

(ix) **Delivery flow** – This is the maximum flow (in SCMH) that is required by the consumers at the exit point as per access arrangement entered into by the shipper and the operator.

(x) **Elevation difference** – Depending on the terrain of the ground profile, this factor will be considered from the mean sea level of the area.

(xi) **Gas composition** – The gas composition indicating all components totaling 100% by volume is to be given with the level of impurities as per the Petroleum and Natural Gas Regulatory Board (Access Code for City or Local Natural Gas Distribution Networks) Regulations, 2011. From this, necessary input to the flow equation shall be worked out.

In case of more than one source, the weighted average composition of commingled natural gas beyond the second source of entry point shall be considered.

(xii) In case of CGD network, the gas quality at exit point shall be as per the Petroleum and Natural Gas Regulatory Board (Access Code for City or Local Natural Gas Distribution Networks) Regulations, 2011.

- (4) All entities shall declare to the Board the constant parameters and the variable parameters for the CGD network -
- on first working day of October every year; and
 - whenever there is any addition or deletion of the supply source of natural gas.

The entities shall also provide on first working day of October the network diagram superimposed on the authorized area map for the CGD network.

- (5) The methodology for calculation of CGD network capacity shall be as under:

- The entire steel pipeline network shall be configured in the selected software package operating offline. The steady state condition of the pipeline hydraulics with variable parameters (pressure, temperature and flow) at entry that is downstream flange of City Gate Station and declared exit points shall be simulated in the selected software package.
- Assuming gas at the entry point (single source or multiple source of gas) is unlimited, the selected software shall be run till inlet flange of any industrial PRS, DRS and CNG Compressor connected to the system till it reaches limiting condition of pressure required at any exit point or limiting velocity in steel pipeline network as calculated by software or maximum flow capacity is reached at exit points.
- After satisfactory completion of simulation, add dummy load at the farthest exit points of steel network, considering the minimum committed pressure.
- Now, simulate the steel pipeline network till inlet flange of any industrial PRS, DRS, CNG Compressor and dummy load connected to the system reaches limiting condition of pressure required or limiting velocity in pipeline as calculated by software or maximum flow capacity is reached at exit points.
- The sum of flow (in SCMH) at each exit point (i.e. Inlet flanges of Industrial PRS, DRS and CNG compressor) and dummy load in all the charge areas is the total steel network capacity.
- The entity shall submit the details of maximum achievable steel network capacity so derived, under the steady state simulation with the details of variable and constant parameters, to the Board in the specified format at Schedule A along with the hydraulic gradient and system flow diagram for the steel network system. The entity shall submit the details of rated capacity of all entry points (CGS/DPRS/custody metering systems) including entry points, if any, connected directly to the MDPE network without any steel pipeline in between along with details of rated capacity of exit points like DRS/IPRS/CNG station etc. in Annexure-1.
- The capacity of CGD network shall be as per the operation days specified in the Petroleum and Natural Gas Regulatory Board (Access Code for City or Local Natural Gas Distribution Networks) Regulations, 2011 for respective system.
- If the aggregate CGS capacity is less than the determined steel network capacity, then, the aggregate CGS capacity shall be considered as the steel network capacity.
- The steel network capacity so determined shall be the CGD network capacity provided that if any entry point (CGS/DPRS/custody metering systems) is connected directly to the MDPE network without involvement of any steel network, the rated capacity of such entry point shall also be considered for the purpose of capacity declaration.

6. Declaring capacity of a City or Local Natural Gas Distribution Network by the Board.

- The Board, after having analyzed the report submitted by the entity regarding capacity of the CGD network with respect to the provisions of these regulations, shall decide-
 - to reject the capacity so determined and direct the entity to revise the capacity calculations based on the revised parameters; or
 - to go ahead with the proposal with or without modification.
- The capacity so determined shall be declared by the Board as the capacity of the CGD network. The Board shall declare the capacity of the CGD network in the format specified at Schedule B.
- The entity, after declaring the CGD network capacity by the Board, shall publish the same in line with the provisions of the relevant Regulations on the Petroleum and Natural Gas Regulatory Board (Access Code for City or Local Natural Gas Distribution Networks) Regulations, 2011, on their website.

7. Periodicity for determining capacity of city or local natural gas distribution networks.

(i) The capacity of a CGD network shall be determined on first working day of October every year or whenever there is a change in quantity of natural gas plus or minus 10% of previous declared capacity due to any of the following :

- (a) change in quality of gas,
- (b) modification, upgradation, addition or deletion of entry or exit points,
- (c) addition or deletion of loop lines, compressor etc.

(ii) The entity shall submit the details of the so re-determined capacity of the pipeline to the Board in line with the provisions of these regulations for the purpose of declaration of capacity.

8. Miscellaneous.

- (1) If any dispute arises with regard to the interpretation of any of the provisions of these regulations, the decision of the Board shall be final.
- (2) The Board may, either suo moto or on a complaint, refers the issue of determination of the capacity of a CGD network, to any external consultant or expert. Cost in this regard shall be borne by the entity or the complainant or as deemed fit by the Board on a case specific basis. However, the recommendation of the consultant or expert shall be advisory in nature to the Board and shall not be binding.
- (3) The Board may validate the computed capacity with actual capacity as per the flow regime of the pipeline with actual flow conditions as and when desired.

SCHEDULE A

[see regulation 5(5) (vi)]

Format for furnishing information regarding determination of CGD network capacity

Date of submission of capacity to the Board:

Applicable for the period:

1	Name of entity	
2	Address and contact details of entity	
3	Name of CGD network	
4	Length and diameter of steel pipeline network (attach complete details with diagram)	
5	Name of software package used	
6	Confirm Colebrook White equation / Fundamental pipe equation with flow dependent (Colebrook White) friction factor is used	Yes/ No
7	Details of injection/entry points, delivery or exit points (Location, diameter, pressure, temperature, rated capacity, actual flow rate etc.) and charge areas in CGD networks. Details to be given as per Annexure 1.	
8	Composition of natural gas. Details to be given for each entry point as per Annexure 2.	
9	Entity agrees to have complied with the technical standards, specifications and safety standards as specified by the Board	Yes/ No
10	Entity agrees to have complied with the provisions of other relevant Petroleum and Natural Gas Regulatory Board Regulations	Yes/ No
11	Constant and variable parameters used under steady state conditions for determining capacity of the steel network in CGD networks as per Annexure 2 .	
12	Maximum achievable capacity of the steel network under steady state conditions as determined under regulation 5 of these regulations	
13	Aggregate of rated capacity of all entry points connected to steel network (Details of	

	each CGS/entry point to be provided separately in Annexure 1)	
14	Rated capacity of entry points (CGS, PRS and Custody Metering Systems), if any, connected directly to MDPE network (Details of each entry point to be provided separately in Annexure 1)	
15	Maximum achievable capacity of the steel network (lower of Sl. No. 12 or 13)	

Note: Submit network diagram superimposed on the authorized area map for the CGD network along with the hydraulic gradient and system flow diagram for the steel network.

[Sign. & Stamp of Authorized Signatory of the Entity]

SCHEDULE B

[see regulation 6(b)]

Format for declaring capacity of City or Local Natural Gas Distribution Networks

Date of declaration of capacity by the Board:

Applicable for the period:

1	Name of entity	
2	Address and contact details of entity	
3	Name of CGD network	
4	Details of injection or entry points and delivery or exit points connected to steel networks (location, diameter, pressure, temperature, rated capacity etc.) and charge areas in CGD networks (details enclosed)	
5	Details of rated capacity, location, pressure etc. of each injection or entry point connected directly to MDPE network without any steel network in between	
6	Name of the software package used by the entity	
7	Flow equation used for the purpose	
8	Gas composition considered for the purpose of capacity determination of steel network in CGD.	
9	Maximum achievable capacity of the CGD steel network under steady state conditions.	
10	Maximum achievable capacity of sub-transmission pipeline laid, if any.	
11	Aggregate of rated capacity of all entry points connected to steel network	
12	Maximum capacity of the steel network (lowest of Sl. No. 9, 10 or 11 above)	
13	Rated capacity of entry points (CGS, DPRS and Custody Metering Systems), if any, connected directly to MDPE network (Details of each entry point enclosed)	

Dated:

Secretary

Petroleum and Natural Gas Regulatory Board

K. Rajeswara Rao, OSD (R)

[ADVT-III/4/EXTY./188/15(62)]

2211 5715-6

Annexure-1

[see regulation 5 (5)(vi)]

Format for furnishing Details of Injection/ Entry points and Delivery/ Exit points

1.	Name of entity	
2.	Address and contact details of entity	
3.	Name of CGD Network	
4.	Details of Entry and Exit Points on Steel Network	
a)	<u>Entry Point 1:</u> ➤ Name: ➤ Location: ➤ Internal Diameter of Pipe (after entry point): ➤ Length of Steel Pipe (give details with diagram): ➤ Class/Thickness of Pipe: ➤ MOP as per Class of Pipe: ➤ Revised MOP, if any (enclose technical justification and supporting calculation in terms of these Regulations): ➤ Pressure: i) at upstream of Entry Point ii) at downstream of Entry point ➤ Inlet temperature: ➤ Maximum Rated Capacity (in SCMH) of Entry Point (enclose certified Technical Documents): [Note: Provide similar details for all other entry points. Also, provide relevant details for entry points connected directly to MDPE network]	
b)	<u>Exit Point 2:</u> ➤ Name: ➤ Location including name of Charge Area: ➤ Internal Diameter of Steel Pipe (before exit point): ➤ Length of Steel Pipe till upstream of Exit Point: ➤ Class/Thickness of Pipe: ➤ MOP as per Class of Pipe: ➤ Revised MOP, if any (enclose technical justification and supporting calculation in terms of these Regulations): ➤ Pressure: i) at upstream of Exit Point ii) at downstream of Exit Point ➤ Temperature: ➤ Maximum Rated Capacity (in SCMH) of Exit Point (enclose certified Technical Documents): [Note: Provide similar details for all other exit points]	

Annexure-2

[see schedule A (8) and (11)]

Format for furnishing Details of Constant and Variable parameters of Steel Network and Gas Composition at Injection or Entry points and Delivery or Exit points

a) Constant parameters:

Parameter	Details
Name of Steel Pipe/ Section:	
Internal Diameter (mm/inch)	
Length (Km)	
Pipeline Roughness (micron) [Enclose Technical Justification]	
Efficiency Factor/Pipeline Efficiency (%) [Enclose Technical Justification]	
Formula/ Gas Flow Equation Used	
Velocity (m/s)	
STP	Standard pressure: 1.01325 bar (a) Standard temperature : 15.56 deg C

Note: i) Similar Details for all steel pipes/ sections, size changes etc. may be provided.

ii) Pressure drop at Rated Capacity pertaining to each entry point may be provided (enclose Technical document)

a) Variable parameters:

Parameter	Details
Name of Steel Pipe/ Section:	
Operating Temperature (30 deg C)	
Inlet Temperature (deg C)	
Inlet Pressure (kg/cm ² g or barg)	
Outlet Pressure (kg/cm ² g or barg)	
Maximum Operating Pressure (kg/cm ² g or barg) [Enclose Justification]	
Minimum Committed Pressure (kg/cm ² g or barg) (Enclose relevant documents)	
Velocity (m/s)	
Supply Source Flow (MMSCMD)	
Delivery Flow (MMSCMD)	
Elevation Difference	
Gas Composition (Mole Percent)	
Methane:	
Ethane:	
Propane:	
Isobutene:	
Isopentene:	
Hexane:	
Nitrogen:	
Sp. Gravity:	
GCV: Kcal/SCM	GCV: Kcal/SCM
NCV: Kcal/SCM	NCV: Kcal/SCM

Annexure-3

[see regulations 3 and 5]

Format for furnishing Details of Constant and Variable parameters of Sub-Transmission Pipeline (STPL)**a) Constant parameters:**

Parameter	Details
Name of steel pipeline/section:	
Name and Location (with longitude/latitude) of inlet and outlet of STPL i.e. from custody transfer point to connectivity with primary network	
Internal Diameter (mm/inch)	
Length (Km)	
Pipeline Roughness (micron) [Enclose Technical Justification]	
Efficiency Factor/Pipeline Efficiency (%) [Enclose Technical Justification]	
STP	Standard pressure – 1.01325 bar (a) Standard temperature –15.56 degree C

a) Variable parameters:

Parameter	Details
Name of Steel Pipe/ Section:	
Operating Temperature (30 deg C)	
Inlet Temperature (deg C)	
Inlet Pressure (kg/cm ² g or barg)	
Outlet Pressure (kg/cm ² g or barg)	
Maximum & Minimum Committed Pressure (kg/cm ² g or barg)	
Elevation Difference	
Gas Composition (Mole Percent)	
Methane:	
Ethane:	
Propane:	
Isobutene:	
Isopentene:	
Hexane:	
Nitrogen:	
Sp. Gravity:	
GCV: Kcal/SCM	GCV: Kcal/SCM
NCV: Kcal/SCM	NCV: Kcal/SCM

Note: Copies of agreement/tie-in agreement with transporter/transmission entity indicating agreed/ committed delivery pressure, temperature etc to be provided.

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असाधारण

EXTRAORDINARY

भाग III—खण्ड 4

PART III—Section 4

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 52]

नई दिल्ली, शुक्रवार, फरवरी 13, 2015/माघ 24, 1936

No. 52]

NEW DELHI, FRIDAY, FEBRUARY 13, 2015/MAGHA 24, 1936

पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड

अधिसूचना

नई दिल्ली, 13 फरवरी, 2015

फा. सं. पीएनजीआरबी/सीजीडी/रेग्युलेशंस/अमेंड-2015.—पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड अधिनियम, 2006, (2006 का 19) की धारा 61 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड एतद्वारा निम्नलिखित विनियम बनाता है, नामतः:-

1. संक्षिप्त शीर्षक और प्रारंभण

(1) इन नियमों को पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (स्थानीय प्राकृतिक गैस वितरण नेटवर्क बिछाने नगर या, निर्माण, प्रचालन या विस्तार करने के लिए कंपनियों को प्राधिकृत करना) संशोधन विनियम, 2015 कहा जाएगा।

(2) ये सरकारी राजपत्र में उनके प्रकाशन की तारीख से प्रवृत्त होंगे।

2. पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (बिछाने या नगर नेटवर्क वितरण गैस प्राकृतिक स्थानीय, निर्माण, प्रचालन या विस्तार करने के लिए कंपनियों को प्राधिकृत करना) विनियम, 2008 के विनियम 5, के उप-विनियम (8) में शब्द "[साठ दिन]" के लिए "[एक सौ बीस दिन]" प्रतिस्थापित किया जाएगा। उप-विनियम (8) में, आगे निम्नलिखित परंतुक को जोड़ा जाएगा, नामतः:-

"वर्शते कि बिड जमा करने की तारीख में बोर्ड विस्तार कर सकता है जो कि तीस दिनों की अवधि से अधिक नहीं होगी जिसके कारण लिखित रूप में दर्ज किए जाएंगे और इस सम्बंध में निर्णय को वेबहॉस्ट किया जाएगा।"

के. राजेश्वर राव, ओएसडी(आर)

[विज्ञापन III/4/असा./188/14]

पाद टिप्पणी : मुख्य विनियम सा.का.नि. 196(अ), दिनांक 19 मार्च 2008 के माध्यम से अधिसूचित हुए थे और सा.का.नि. 800(अ), दिनांक 19 नवम्बर 2008, सा.का.नि. 295(अ), दिनांक 30 अप्रैल 2009, सा.का.नि. 478(अ), दिनांक 07 जून 2010, सा.का.नि. 605(अ), दिनांक 19 जुलाई 2010, फा.सं. पीएनजीआरबी/सीजीडी/रेग्युलेशंस/रिव्यू-2011-III दिनांक 21 जून 2013, फा. सं. पीएनजीआरबी/सीजीडी/बिड/4/2013-प्रिविड दिनांक 07 अप्रैल 2014, एवं फा.सं.एल-मिस/VI/2007 दिनांक 1 जनवरी 2015 के माध्यम से संशोधित किए गए।

PETROLEUM AND NATURAL GAS REGULATORY BOARD**NOTIFICATION**

New Delhi, the 13th February, 2015

F. No. PNGRB/CGD/REGULATIONS/AMEND-2015.—In exercise of the powers conferred by Section 61 of the Petroleum and Natural Gas Regulatory Board Act, 2006 (19 of 2006), the Petroleum and Natural Gas Regulatory Board hereby makes the following regulations, namely:—

1. Short title and commencement.

(1) These regulations may be called the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Amendment Regulations, 2015.

(2) They shall come into force on the date of their publication in the Official Gazette.

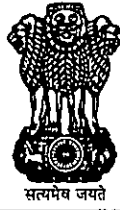
2. In the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008, in regulation 5, in sub-regulation (8), for the words “[one hundred and twenty days]”, the words “[sixty days]” shall be substituted. Further, in sub-regulation (8), the following proviso shall be added, namely:—

“Provided that the Board may extend the date for submission of bid for a period not exceeding thirty days for the reasons to be recorded in writing and the decision in this regard shall be webhosted.”

K. RAJESWARA RAO, OSD (R)

[ADVT III/4/Exty./188/14]

Foot Note: Principal regulations were notified *vide* No. G.S.R. 196(E), dated 19th March, 2008 and subsequently amended *vide* G.S.R. 800(E), dated 19th November, 2008, G.S.R. 295(E) dated 30th April, 2009, G.S.R. 478(E), dated 7th June, 2010, G.S.R. 605(E), dated 19th July, 2010, F. No. PNGRB/CGD/REGULATIONS/REVIEW-2011-III dated 21st June, 2013, F. No. PNGRB/CGD/BID/4/2013-PRE BID dated 7th April, 2014 and F. No. L-MISC/VI/1/2007 dated 1st January, 2015.



भारत का राजपत्र The Gazette of India

साप्ताहिक/WEEKLY

प्राधिकार से प्रकाशित

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No. 48] NEW DELHI, SATURDAY, NOVEMBER 29—DECEMBER 5, 2014 (AGRAHAYANA 8, 1936)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
(Separate paging is given to this Part in order that it may be filed as a separate compilation)

विषय-सूची

पृष्ठ सं.	विषय-सूची	पृष्ठ सं.
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*आंकड़े प्राप्त नहीं हुए।

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*Folios not received.

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 8th October 2014

RESOLUTION

No.R-22011/1/2007-OR-I—The Scientific Advisory Committee (SAC) on Hydrocarbons of the Ministry of Petroleum and Natural Gas is hereby reconstituted for a period of three years with effect from 16th October, 2014 on the terms and conditions specified hereunder. The composition of the Committee will be as under:-

Sl. No.	Name, S/Shri	Designation	Organization
CHAIRMAN			
1.	Dr. Anil Kakodkar	DAE, Chair Professor	BARC
MEMBERS			
2.	Dr. R. Kumar	Professor, Emeritus	IISc, Bangluru
3.	Dr. M.O. Garg	Director	IIP, Dehradun
4.	Dr. B.D. Kulkarni	Distinguished Scientist	NCL, Pune
5.	Dr. D.V. Khakhar	Director	IIT, Mumbai
6.	Dr. (Ms.) M. Lakshmi Kantam	Director	CSIR-IICT, Hyderabad
7.	Prof. Shantanu Roy	Professor, Chemical Engineering Deptt.	IIT, Delhi
8.	Dr. Ajit Sapre	Group President (R&T)	RIL
9.	Shri R.K. Ghosh	Ex-Director (Refineries)	IOCL
10.	Dr. R.K. Malhotra	Ex-Acting CMD and Director (R&D)	IOCL
EX-OFFICIO MEMBERS			
11.	Sanjiv Singh	Director (Refineries)	IOCL
12.	B.K. Datta	Director (Refineries)	BPCL
13.	B. K. Namdeo	Director (Refineries)	HPCL
14.	B.P. Das	Director (R&D)	IOCL
15.	A.N. Deshpande	Director (Technical)	EIL
16.	Dr. B. Bhargava	Director General	ONGC Energy Centre
17.	B.N. Talukdar	Director General	DGH
18.	S. Venkatraman	Director (BD)	GAIL
19.	L.N. Gupta	Secretary	OIDB
MEMBER SECRETARY			
20.	B.D. Ghosh	Executive Director	CHT

2. Permanent Invitees:

- (a) Joint Secretary (R) in the Ministry of Petroleum & Natural Gas
- (b) R&D Heads of BPCL, HPCL, CPCL, EIL and GAIL will also be the permanent invitees to the Committee meetings.
The Chairman may also invite any other person(s) to attend the meeting of the Committee or to assist the Committee.

3. Special Invitees

- (a) Representatives from Ministry of New and Renewable energy and Department of Science & Technology will be Special Invitees to the Committee meetings.

- (b) The Chairman may consider inclusion of major private national/international players in the field for inclusion as Invitees, on case-to-case basis.

3. Duration of the SAC:

The Committees' term will be from 16th October, 2014 to 15th October, 2017. The Committee shall meet as often as necessary but at least once in a quarter and will make suitable recommendations to the Ministry of Petroleum & Natural Gas from time to time.

4. Terms & Conditions of the SAC :-

(a) Mission

To promote application of science and technology in the hydrocarbon sector (excluding upstream sector)

(b) The terms of reference of the Committee will be as under:

- i) To identify and promote development and deployment of technologies related to hydrocarbons for production of fuels and feed stocks for chemicals and petrochemicals.
 - ii) To ensure optimum processing of Hydrocarbons raw material for use as fuels and chemicals.
 - iii) To ensure reduction in carbon footprint of hydrocarbon sector and energy efficient operations.
 - iv) To promote application of alternate energy sources in hydrocarbon sector
 - v) To identify long term technological needs of hydrocarbon sector
 - vi) To facilitate collaborative research programmes among oil and gas organizations and other stake holders.
 - vii) To examine and deliberate on R&D project proposals submitted by various R&D organizations and academic institution for funding by OIDB through CHT.
 - viii) To formulate mechanism for demonstration and fast track commercialization of indigenously developed technologies.
 - ix) To promote dissemination of information on latest developments in hydrocarbon sector.
- (c) Expenditure on TA/DA of Ex-officio members/Government officials/representatives of Public Sector Undertakings will be met by the respective concerned Department/Undertaking(s). Any other expenditure on the committee will be borne by CHT.
- (d) The expenditure on TA/DA of non-officials/members from Academia will be met by CHT. They will be reimbursed entitled class airfare at actual for attending the SAC meetings and traveling from their place of working to the place of meeting.
- (e) TA/DA of Chairman-SAC, who is a non-official member, will be borne by CHT.
- (f) Local transport for attending the SAC meetings will be reimbursed at actuals. However, in case SAC member is provided with transport, no reimbursement for the local transport shall be made.
- (g) An honorarium of Rs. 7500/- (Rupees Seven thousand five hundred) only will be payable to the Chairman and non-official members of the SAC and Rs. 5000/- for professional/technical experts invited to the committee meetings to give technical inputs by CHT for participating in each SAC meeting.
- (h) The Secretarial assistance required to the Committee will be provided by the Centre for High Technology.

ORDER

Ordered that a copy of the Resolution be communicated to all the State Governments, Union Territory Administrations, Lok Sabha and Rajya Sabha Secretariats and the concerned Ministries and Departments of the Government of India.

Ordered also that the Resolution be published in the Gazette of India for general information.

NEERAJ MITTAL
Joint Secretary

MINISTRY OF STEEL

New Delhi, the 3rd November 2014

RESOLUTION

No. 2(4)/2013-Sd-I.— The Government of India has constituted an Expert Committee under the Chairmanship of Shri Sunil Kumar, IAS(Retd), Vice-Chairman, State Planning Commission, Chhattisgarh, to suggest a Road Map for upgradation of Biju Patnaik National Steel Institute (BPNSI) to a National Centre of Excellence in Steel Education, vide Resolution of even number dated 17.7.2013. The time period for submission of Report by the Committee which was initially fixed for three months, is hereby extended by further two months i.e., up to the 15th December, 2014.

ORDER

ORDERED that a copy of the Resolution be communicated to all the members of the Expert Committee.

ORDERED also that the Resolution be published in the Gazette of India for general information.

SYEDAIN ABBASI

Joint Secretary

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 11th November 2014

No. Q-16012/1/2012-ESA(NLI).— WHEREAS the V. V. Giri National Labour Institute, Sector-24, NOIDA has been registered as a Society under Societies Registration Act, 1860 (Punjab Amendment Act, 1957).

AND WHEREAS Rule III of the Rules & Regulations of the said Society provides for its constitution.

NOW, therefore in pursuance of Rule III aforesaid and in supersession of the earlier Notification, the said Society shall consist of the following persons, namely:-

1. Union Minister for Labour and Employment	: President
2. Minister of State for Labour and Employment	: Vice President
3. Six Central Government Representatives:-	
(i) Secretary, Ministry of Labour & Employment	: Vice President
(ii) Additional Secretary, Ministry of Labour & Employment	: Members
(iii) Joint Secretary or an officer of equivalent status looking after the work of V.V. Giri National Labour Institute in the Ministry of Labour & Employment	: Member
(iv) Financial Adviser, Ministry of Labour & Employment	: Member
(v) Secretary, Department of Secondary & Higher Education, Ministry of HRD	: Member
(vi) Adviser, (LEM), Planning Commission Yojana Bhawan	: Member
4. Two representatives from Worker's Organization:	
(1) Bhartiya Mazdoor Sangh (BMS)	Nomination from each organization is being called and will be notified separately
(2) Indian National Trade Union Congress (INTUC)	
5. Two representatives from Employer's Organization:	
(1) Confederation of Indian Industry (CII)	Nomination from each organization is being called and will be notified separately
(2) Laghu Udyog Bharti (LUB)	
6. Four eminent persons who have made noteworthy contribution in the field of labour or related fields.	Will be notified later.

7. Two Members of Parliament (one each from Lok Sabha and Rajya Sabha):

(i) Shri Prahlad Singh Patel, : Member
 Member of Parliament (Lok Sabha)
 Residence: 14, Dr. B. D. Marg, New Delhi – 110001
 Contact: 08354455511, 09425155511
 email: prahladp@sansad.nic.in

(ii) Shri Bhushan Lal Jangde, : Member
 Member of Parliament (Rajya Sabha)
 Residence: Flat No. 53-55, South Avenue,
 New Delhi
 Contact: 9013181230
 email: bl.jangde@sansad.nic.in

8. One Important Institution

Director General : Member
 Gandhi Labour Institute
 Ahmedabad – Gujarat

9. Representative from V.V.G.N.L.I., Noida
 Director General, VVG NLI

: Member
 Secretary

NISHA GAUR
 Under Secretary

मुद्रण निदेशालय द्वारा, भारत सरकार मुद्रणालय, एन.आई.टी. फरीदाबाद में मुद्रित
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www.dop.nic.in

PETROLEUM AND NATURAL GAS REGULATORY BOARD
NOTIFICATION

New Delhi, the 29th March, 2011

F. No. S-Admn./II/8/2010.—In exercise of the powers conferred by Section 61 of the Petroleum and Natural Gas Regulatory Board Act, 2006 (19 of 2006), the Petroleum and Natural Gas Regulatory Board hereby makes the following regulations, namely:—

1. Short title and commencement.

- (1) These regulations may be called the Petroleum and Natural Gas Regulatory Board (Access Code for City or Local Natural Gas Distribution Networks) Regulations, 2011.
- (2) These regulations shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

- (1) In these regulations, unless the context otherwise requires,—

- (a) **"access arrangement"** means a contract between the authorised entity and the shipper defining the terms and conditions for access to entry point capacity, exit point capacity and CNG exit point capacity on the city or local natural gas distribution network and placed on the website of authorised entity:

Provided that access arrangement shall be based on access arrangement guidelines issued by the Board:

Provided further that the capacity webhosted shall be the available capacity;

- (b) **"Act"** means the Petroleum and Natural Gas Regulatory Board Act, 2006;

- (c) **"allocated capacity"** means the scheduled maximum daily capacity in MMBTU at entry point agreed between the authorised

अनुसूची-IV

[(देखें विनियम 7 (1)]

नगर या स्थानीय प्राकृतिक गैस वितरण नेटवर्क पर गैस मापदण्ड के लिए सीमा

मापदण्ड	सीमा
हाइड्रोकार्बन ओसांक (डिग्री सेल्सियस, अधिकतम)	0
जल ओसांक (डिग्री सेल्सियस, अधिकतम)	0
हाइड्रोजन सल्फाइड (अधिकतम भाग द्वारा पीपीएम)	5
कुल सल्फर (अधिकतम भाग द्वारा पीपीएम)	10
कार्बन डाइऑक्साइड (अधिकतम मोल %)	6
कुल निष्क्रियता (मोल %)	8
तापमान (डिग्री सेल्सियस, अधिकतम)	55
तापमान (डिग्री सेल्सियस, न्यूनतम)	10-20
ऑक्सीजन (% मोल मात्रा अधिकतम)	0.2
वोल्बे सूचकांक (घरेलू उपभोक्ताओं के लिए)	39-53*

टिप्पणी: * एमजे/एससीएम पर आधारित

रतन पी. वातल, सचिव

[विज्ञापन III/4/188/10-असा.]

entity and the shipper for delivery at exit point;

- (d) **"appointed day"** means the date of October 1, 2007 when the Central Government notified the establishment of the Petroleum and Natural Gas Regulatory Board;
- (e) **"authorised entity"** means an entity that is authorised to lay, build, operate or expand a city or local natural gas distribution network in a geographical area under the Petroleum and Natural Gas Regulatory Board Act, 2006 and the relevant regulations made thereunder;
- (f) **"Board"** means the Petroleum and Natural Gas Regulatory Board established under the Petroleum and Natural Gas Regulatory Board Act, 2006;
- (g) **"CNG exit point"** means the point at which the CNG is off taken from a CNG compressor outlet point for delivery to the shipper with proper arrangement for metering at outlet of the CNG compressor by the authorised entity:

Provided that the CNG exit point shall terminate at tubing connection or union where compressor exit is connected to dispenser and at filling nozzle in case it is connected to CNG cascade of the shipper;

- (h) **"CNG exit point capacity"** means the maximum quantity of CNG, measured in kilograms (Kgs), which the authorised entity shall deliver to the shipper at the relevant CNG exit point in a day:

Provided that the CNG mass shall be converted into energy value by applying the conversion formula as specified in Schedule-I:

Provided further that a homogenous zone has to be defined by the authorised entity upfront from time to time and the same has to be informed to the shipper;

- (i) **"CNG exit point maximum daily quantity" ("CNG exit point MDQ")** means the maximum quantity of natural gas, measured in kilogram (kgs), which can be off-taken by the shipper at the relevant CNG exit point in a day;
- (j) **"compression charge for CNG"** means a charge (excluding statutory taxes and levies) in Rs./Kg for online compression of natural gas into compressed natural gas for subsequent dispensing

to customers in a CNG station, as determined and approved by the Board;

- (k) **"day"** means a period of twenty-four consecutive hours beginning at 0600 hours on a day and ending before the start of 0600 hours on the following day;
- (l) **"designated exit point"** means the exit point for which gas delivery has been mutually agreed between the shipper and the authorised entity;
- (m) **"delivered quantity"** means the quantity of gas in MMBTU delivered by the authorised entity at designated exit point of the shipper;
- (n) **"dispute"** means any dispute or difference arising between the entity under or in connection with these regulations or the access arrangement;
- (o) **"distant connection"** means a connection to a shipper desirous of having a connectivity in any charge area of the geographic area beyond the provisions of regulation 9 of the Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Network) Regulations, 2008;
- (p) **"entry point"** means the point at which the natural gas delivered by a shipper is injected into the city or local natural gas distribution network and the gas receipt for city or local natural gas distribution network should preferably be at the city gate station:

Provided that receipt at any other point on network shall be as mutually agreed between the authorised entity and the shipper in the access arrangement;

Provided further that the gas required for a new geographical area or for expansion of existing CGD networks shall preferably be from transmission or sub transmission pipeline and not from the existing geographical area;
- (q) **"entry point capacity"** means the maximum quantity of natural gas in MMBTU, at a specified Gross Calorific Value, which the authorised entity shall receive from shipper at the relevant entry point in a day so as to deliver at designated exit point;
- (r) **"entry point maximum daily quantity" ("entry point MDQ")** means

the maximum quantity of natural gas in MMBTU at a specified gross calorific value for which capacity has been allocated to the shipper and the authorised entity shall receive from the shipper at the relevant entry point in a day as agreed in the access arrangement;

- (s) "**exclusivity period**" means the period allowed by the Board under the Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Network) Regulations, 2008 from the purview of common carrier or contract carrier;
- (t) "**exit point**" means the point at which the natural gas is off taken from city or local natural gas distribution network by the shipper as agreed between the authorised entity and the shipper in the access arrangement and such exit point shall be at all the metering stations, CNG exit point and all such other points mutually agreed between the shipper and authorised entity in the access arrangement:

Provided that-

- (i) for domestic piped natural gas (PNG), the exit point shall be the concerned DPRS. This point shall be considered for aggregating the offtake for domestic use of gas;
- (ii) any new exit point shall be decided mutually on technical and safety ground.
- (u) "**exit point capacity**" means the maximum quantity of natural gas in MMBTU, at a specified Gross Calorific Value, which the authorised entity shall deliver to the shipper at the relevant exit point in a day;
- (v) "**exit point maximum daily quantity**", ("**exit point MDQ**") means the maximum quantity of natural gas in MMBTU, at a specified Gross Calorific Value, which can be off taken by the shipper at specific metering station and CNG exit point in a day;
- (w) "**imbalance quantity**" on a day means the positive imbalance quantity or the negative imbalance quantity on that day as specified in regulation 15;
- (x) "**line pack**" ("**LP**") means the volume of gas that must be maintained in the city or local natural gas distribution network at all times in order to maintain pressure and enable uninterrupted transportation and supply of natural gas through the network;

- (y) **"lost and unaccounted for gas" ("LUAG")** means the quantity of natural gas which is unaccounted for whatsoever reason including, but not limited to blow downs, venting or release during regular operation or maintenance of the city or local natural gas distribution network and mismatch of meter readings at the entry and exit point;
- (z) **"marketer"** means an entity dealing with marketing or trading for natural gas;
- (za) **"maximum daily quantity" ("MDQ")** means the maximum volume of natural gas contracted, booked, scheduled for delivery or delivered in a particular day within twenty four hours of the day;
- (zb) **"maximum delivery rate" ("MDR")** means the maximum rate, in MMBTU per hour, up to which rate of delivery, the authorised entity shall deliver natural gas to the shipper at the relevant exit point as specified in the access arrangement;
- (zc) **"maximum off-take rate" ("MOR")** means the maximum rate, in MMBTU per hour, at which the shipper shall off-take natural gas at the relevant exit point as specified in the access arrangement and MOR shall be the same in value as the MDR;
- (zd) **"maximum receipt rate" ("MRR")** means the maximum rate, in MMBTU per hour, at which the authorised entity shall receive natural gas at the relevant entry point as specified in the access arrangement;
- (ze) **"MMBTU"** means Million British Thermal Units and shall be the unit for energy content of gas based on gross calorific value as defined in ISO 6976-1:1983(E) and as amended or modified from time to time;
- (zf) **"network tariff"** means the unit rate of tariff (excluding statutory taxes and levies) in rupees per million British Thermal Units (Rs./MMBTU) for all the categories of customers of natural gas in a CGD network as determined and approved by the Board;
- (zg) **"nominated quantity"** means the quantity of natural gas in MMBTU, confirmed by the shipper to the authorised entity for delivery at the designated entry point with details of off takes at the relevant exit point on daily basis for distribution or for consumption;

Provided that no nomination shall be required for MDQ less than 0.5 MMBTU;

- (zh) **"off-spec gas"** means the natural gas delivered by the shipper

at the entry point or delivered by the a authorised entity at the exit point which does not conform to the gas parameters referred to in sub-regulation (1) of regulation 7;

- (zi) **"operating pressure"** means the pressure corresponding to a particular flow rate at which the relevant section of the city or local natural gas distribution network is operated:

Provided that at no point of time the operating pressure for the network shall exceed design pressure or maximum allowable operating pressure(MAOP) as specified in relevant technical standards and specifications including safety standards regulations;

- (zj) **"scheduled quantity"** means the quantity of natural gas, in MMBTU, scheduled for the specific shipper by the authorised entity at the designated entry point or exit point for distribution or self-use based on the nominated capacity and in accordance with the provisions of the access arrangement;

- (zk) **"shipper"** means a consumer, a marketer or any authorised entity who intends to utilize the capacity in the CGD Network:

Provided that the shipper shall be -

- (i) an existing consumer in the network of the entity;
- (ii) a body corporate with the positive net worth and be in the business for at least one year with physical business set up within the geographical area having been assessed for income tax;
- (iii) a consumer registered with the entity or with a marketer;
- (iv) a new commercial or industrial consumer with physical presence in the business; or
- (v) an entity having plan to do the business with DFR financially appraised and approved by the bank.

NOTE: In case the existing shipper has defaulted on payments or any other contractual obligation with the authorised entity, the shipper shall take No Objection Certificate (NOC) from the authorised entity before being qualified as "shipper";

- (zl) **"Standard Cubic Metre" ("SCM")** means the volume of gas which occupies one cubic meter of space when such gas is at a temperature of 15.56 degrees centigrade (60° F) and at a pressure of 1013.25 milli Bar (14.696 psia);

- (zm) **"Standard Temperature and Pressure" ("STP")** means temperature

and pressure as defined by IUPAC (International Union of Pure and Applied Chemistry) as air at 0°C (273.15 K, 32 °F) and 10⁵ Pascal.

(zn) **"system use gas" ("SUG")** means the quantity of natural gas, in MMBTU, used by the authorised entity for operation and maintenance of the city or local natural gas distribution network including, but not limited to, general use of gas for compressor, prime movers, gas heaters and venting or flaring for safety requirements;

(zo) **"Unit of Measurement"** means unit for measurement of quantity of gas and shall be in million British Thermal Units (MMBTU) gross for all consumers and CNG exit point quantity shall be measured in kilograms but shall be converted to MMBTU for natural gas quantity reconciliation purpose;

(2) Words and expressions used and not defined in these regulations, but defined in the Act or in the rules or regulations made thereunder, shall have the meanings respectively assigned to them in the Act or in the rules or regulations, as the case may be.

3. Application.

- (1) These regulations shall apply, to an entity authorised to lay, build, operate or expand a city or local natural gas distribution network in a geographic area under the Petroleum and Natural Gas Regulatory Board Act, 2006, immediately at the end of its exclusivity period, if any, allowed by the Board under the Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Network) Regulations, 2008 from the purview of common carrier or contract carrier, and to any entity or shipper who wants access to entry point capacity, exit point capacity and delivery at CNG exit point capacity on such city or local natural gas distribution network for supply of natural gas to domestic, commercial or industrial consumers:

Provided that:-

- (a) the authorised entity shall allow access to shipper, on non-discriminatory basis to a city or local natural gas distribution network in a geographic area subject to the threshold limits mentioned in regulation 5 at the end of the exclusivity period, if any, allowed by the Board;
- (b) the development of the infrastructure shall be governed by the

Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008 and the shippers shall get their gas transported or delivered by the authorised entity-

- (i) up to the suraksha hose connecting to the burner of the domestic connections;
- (ii) up to the metering point in case of commercial and industrial connections;
- (iii) up to compressor exit point in case of CNG station.

Note: (i) The authorised entity shall maintain its entire asset upto suraksha hose for all times in conformity with the Petroleum and Natural Gas Regulatory Board (Technical Standards and Specifications Including Safety Standards for City or Local Natural Gas Distribution Networks) Regulations, 2008.

- (ii) The metering point means the location where gas measurement is carried out which will include metering device, equipment and pressure reduction upto desired pressure at exit point.
- (iii) Compressor exit point shall include the filling nozzle and CNG measurement facilities.

Provided further that-

- (a) the charges for transportation for distant connections shall be as agreed between the authorised entity and the shipper in the access arrangement till the time when connection is covered under regulation 9 of the Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Networks) Regulations, 2008;
- (b) the authorised entity shall provide connectivity for distant connection for the shipper on his request subject to techno-safety considerations and cost on that account shall be borne by the authorised entity or shall be adjusted in the tariff in case the cost is borne by the shipper as mutually agreed between the shipper and the authorised entity;
- (c) the authorised entity may refuse access to distant connections on techno-safety considerations and in such cases the authorised entity shall intimate the shipper and the Board the reasons for the same within thirty days of receiving such request from the shipper.

4. Capacity declaration.

(1) For the first time, the authorised entity shall declare 180 days before the end of its exclusivity period the entry point capacity, the exit point capacity and the CNG exit point capacity for open access at all entry points and exit points on its city or local natural gas distribution network and web host the same in their website accordance with the provisions of these regulations and the authorised entity may declare or web host capacity at DPRS level for PNG and capacity at mother stations (Cascade filling capacity) for CNG:

Provided that -

- (a) the capacity in a CGD network for open access on cumulative basis at all entry points shall be twenty percent of the capacity of the CGD network or the quantity of gas flowing in the CGD network whichever is higher and when such extra capacity in a CGD network touches ten percent limit, then, the authorised entity shall raise this capacity to twenty percent. The Board may on a *suo motu* basis and after following the due process of public consultation may ask an authorised entity to build extra capacity on such time lines and other terms and conditions as may be specified by the Board.
 - (b) a consumer or shipper who is getting gas through the authorised entity during the exclusivity period shall have the right to reserve such capacity after the end of exclusivity period and in case the shipper is willing to relinquish the capacity, then, the shipper shall inform the authorised entity sixty days in advance.
- (2) The successive capacity declaration shall be done by the third week of every month.
- (3) The capacity of the CGD network system for entry or exit points on city or local natural gas distribution network shall be determined as per the relevant regulations.
- (4) The authorised entity can add or abandon any existing entry points or exit points on the CGD network on techno-economic considerations:

Provided that any existing customer on the network is not adversely affected by the decision of the authorised entity:

Provided further that the authorised entity shall give a notice of at least sixty days and seek comments of the shippers in case of abandoning any of the existing entry or exit points.

5. Capacity booking.

- (1) The authorised entity shall publish for public consultation an information memorandum, in the format specified in Schedule-II on its website as well as in a national daily and a vernacular daily newspaper, seeking capacity booking for the entry points and exit points capacity on its city or local natural gas distribution network while CGD network is opened for access to the shippers.
- (2) For the first time, public consultation shall commence at least 180 days prior to end of the exclusivity period of the authorised entity from the purview of common or contract carrier.
- (3) Interested shippers shall submit in format specified in Schedule-III their offers to the authorised entity for nominating the capacity booking within ninety days from the date of commencement of the public notice for capacity booking.
- (4) The sum of the requested entry points MDQ shall be greater than or equal to 10000 standard cubic meter per day (scmd), and the sum of cumulative off take at relevant exit point shall be greater than or equal to 100 scmd for domestic segment. The shipper can start gas sales after booking capacity in any of the domestic, industrial or commercial customers but second such supply shall be considered once they have achieved 100 scmd supplies to domestic consumers:

Provided that these units shall be achieved within the period as agreed between the shipper and the authorised entity in the access arrangement.
- (5) The capacity booking shall be decided by the authorised entity in a transparent manner based on the highness of the product of the sum of the entry points MDQ and the period of capacity booking. The scheduled quantity to each shipper shall be declared and webhosted by the authorised entity.
- (6) Capacity booking shall be finalized within thirty days of the end of the period as specified under sub-regulation 3 at all entry points and exit points and other relevant terms and conditions through an access arrangement.
- (7) The authorised entity shall publish information on the capacity booking at the entry points capacity, exit points capacity and CNG exit points capacity on the city or local natural gas distribution network in

the format specified in Schedule-II, on its website by third week of each month on a continuous basis and schedule the capacity in such a manner that the capacity can be utilized effectively from the first working day of every month.

- (8) Capacity booking shall be finalized in terms of entry points MDQ and exit points MDQ and other relevant terms and conditions through an access arrangement.

6. Obligation of shippers and entity.

- (1) The authorised entity shall be responsible for compliance with all the applicable regulations for the system from gas receipt to delivery point.
- (2) Shipper shall be responsible for compliance with all the applicable regulations for the system before the gas receipt by the authorised entity and after gas is delivered to the shipper.
- (3) Both authorised entity and shipper shall comply with the Petroleum and Natural Gas Regulatory Board (Code of Practice for Quality of Service for City or Local Natural Gas Distribution Networks) Regulations, 2010.

7. Gas parameters.

- (1) The authorised entity shall define in the access arrangement the threshold limits for gas parameters on non-discriminatory basis at entry points such as the acceptable range of pressure and temperature, the acceptable CV band and the acceptable threshold limits for other elements in natural gas like CO₂, N₂, O₂ etc.:

Provided that the threshold limit for such elements shall be as specified in Schedule-IV. However, in case the CGD network has been established exclusively based on Coal Bed Methane (CBM) gas, Liquefied Natural gas (LNG) or Coal Mine Methane (CMM) from open cast mining, when the gas specifications do not conform to specification under Schedule-IV, a specific approval shall be obtained from the Board. Threshold limits for various parameters of natural gas shall be specified in the access arrangement.

- (2) If the natural gas delivered at the entry points by the shipper does not meet the requirements of natural gas in terms of gas parameters as specified in the access arrangement and as specified in these regulations, the authorised entity may:-

(a) refuse to accept it; or

(b) accept it; and charge a cost of service ("off-spec gas charges") from the shipper, as mutually agreed in the access arrangement, for any additional facilities or treatment for upgrading the natural gas to network requirements and capacity adjustment for transportation of such natural gas:

Provided that such off-spec gas does not adversely affect the quality specifications committed by the authorised entity at the exit points to the existing customers.

- (3) The authorised entity may deliver commingled gas at the exit points, and the quality of gas at the exit points shall be within the acceptable band agreed in the access arrangement.
- (4) The authorised entity shall odourise the entire gas as per the provisions of relevant standards notified by the Petroleum and Natural Gas Regulatory Board before delivering to any users.

8. Facilities at the entry points and exit points.

- (1) The shipper shall arrange to deliver metered natural gas at the entry points at his cost unless agreed otherwise between the shipper and the authorised entity.
- (2) The authorised entity shall provide facilities for transfer of custody and delivery of natural gas at the entry points at the cost of the shipper or as agreed in the access arrangement, including measuring equipment or any other system as agreed between the authorised entity and the shipper:

Provided that the authorised entity may install its check meter at the entry points at his own cost in case it desires so.

- (3) The shipper shall ensure that the authorised entity has ready access to the measuring equipment installed in his premise.
- (4) The shipper or its transporter upstream of its city gate station shall own, operate and maintain facilities upstream of the entry points at his own cost and risk unless the facilities are provided by the authorised entity under a separate contract.
- (5) Connectivity to the authorised entity from measuring points within shipper scope shall be provided and cost shall be borne by the one who

triggers such requirement.

- (6) The authorised entity shall provide facilities, including measuring equipment, pressure reduction and control facilities, odourisation facilities, gas chromatography or any other system as agreed between the authorised entity and the shipper, required for transfer of custody and delivery of natural gas to the shipper at the exit points at the cost of the authorised entity except for industrial and commercial consumers where the cost shall be borne by the shipper as agreed in the access arrangement. All domestic customers shall be connected through suitable meters.
- (7) The shipper shall ensure that the authorised entity has ready access at the relevant exit points to the measuring equipment or any other system as agreed between the authorised entity and the shipper.
- (8) At any time, if the entity intends to upgrade meters of its consumers and shippers, then, it can do so on non-discriminatory basis. In case, the shippers want to upgrade the meters of its consumers, it can do so and cost of up-gradation shall be borne by the shippers.
- (9) The maintenance of the facilities at the entry points and exit points shall be carried out as agreed in the access arrangement.

9. Nomination, scheduling, metering, allocation and billing.

- (1) The nomination, scheduling, metering, allocation and billing procedure shall be specified in the access arrangement and the -
 - (a) shipper shall nominate the quantity for the following day and the week and inform the authorised entity twenty-four hours prior to commencement of the following day. The nomination and scheduling for the entry points and exit points shall be made for each hour of the following day on a best endeavor basis for system operation purpose;
 - (b) the shipper shall submit the re-nomination to the authorised entity within the time specified in the access arrangement.
- (2) In case the shipper do not have dedicated metering at the entry and exit points, natural gas quantities shall be allocated to the shippers on pro-rata basis to their respective delivered quantities based on the scheduled quantities.

- (3) The authorised entity shall regularly measure the quality of gas by the gas chromatograph unless otherwise agreed between the authorised entity and the shipper in the access arrangement.
- (4) Total error limit and accuracy of the measuring equipment shall be as agreed to between the authorised entity and the shipper subject to any mandatory specifications, if any, laid down by the Board through regulations.
- (5) The authorised entity shall carry out verification, calibration or proving of measuring equipment as per relevant codes and standards.

10. Gas accounting and reconciliation.

- (1) Gas accounting shall be done on a daily basis in energy terms, in MMBTU, and shall be based on Gross Calorific Value as defined in ISO 6976-1:1983(E) and as amended or modified from time to time:

Provided that -

- (a) the daily gas delivered at the relevant entry points shall be directly measured through system as agreed between the authorised entity and the shipper;
 - (b) for industrial and commercial customers, the daily off take at the relevant exit points shall be measured through system as agreed between the authorised entity and the shipper;
 - (c) for domestic customers, the daily off-take for gas accounting shall be assumed based on the average consumption of gas by the relevant domestic customers and reconciliation shall be done within seven days of the end of every billing cycle as per the methodology agreed in access arrangement;
 - (d) for CNG, the daily off take of gas shall be measured in kilogram (kg) on the meter at the outlet of the online compressor and shall be converted to MMBTU for gas accounting based on the average quality parameters of the gas in the network on the relevant day, measured at CGS in the event gas quality measurement are not available at CNG station. For this purpose, a homogenous zone has to be defined by the authorised entity upfront from time to time and the same has to be informed to the shipper.
- (2) The detailed measurement and gas accounting procedure shall be

specified in the access arrangement.

11. Charges.

(1) The shipper shall pay to the authorised entity the following charges for using its city or local natural gas distribution network as specified on the invoice generated by the authorised entity, namely: -

- (a) network tariff which includes gas transportation in CGD network, odourisation, gas metering, gas reconciliation and system use gas;
- (b) compression charges;
- (c) overrun charges, if applicable;
- (d) system imbalance charges, if applicable;
- (e) off-spec gas charges, as agreed in access arrangement;
- (f) applicable taxes;
- (g) any other charges mutually agreed in the access arrangement such as -
 - (i) ship or pay;
 - (ii) transport or pay;
 - (iii) technical up gradation of system;
 - (iv) R&D;
 - (v) any other charges with the approval of the Board.

12. Network tariff and compression charges.

(1) The network tariff charges for each day shall be equal to the product of the network tariff and the sum of the relevant exit points delivered quantity:

Provided that this quantity does not attract any other charge in terms of the provisions contained in access code:

Provided further that the shippers delivery or pay provision shall be applied as per the contractual arrangement between the shippers and the authorised entity for consumer more than 0.5 MMBTU daily capacity.

(2) The compression charges for each day shall be equal to the product of the compression charge and the sum of the relevant CNG exit points delivered quantity:

Provided that this quantity does not attract any other charge in terms of the provisions contained in access code:

Provided further that the shippers deliver or pay provision shall be applied as per the contractual arrangement between the shippers and the authorised entity for consumer more than 0.5 MMBTU daily capacities.

13. Authorised entity's shortfall charges.

- (1) The authorised entity shall have an obligation to provide capacity up to the scheduled quantity unless there is a planned maintenance as specified in regulation 19 or there is a force majeure as specified in regulation 20 or there is an emergency as specified in regulation 21.
- (2) The authorised entity shall pay charges to the shipper, as agreed in the access arrangement, in case the authorised entity is unable to provide capacity up to the scheduled quantity unless there is a planned maintenance as specified in regulation 19 or there is a force majeure as specified in regulation 20 or there is an emergency as specified in regulation 21.

14. Overrun charges.

- (1) The methodology for calculation of the overrun quantity for a shipper at each entry point, in MMBTU, on a day shall be specified in the access arrangement on non discriminatory manner.
- (2) The shippers shall not have to pay any overrun charges for overruns up to 5 % of the scheduled quantity. Overruns beyond 5 % of the scheduled quantity shall attract overrun charges.
- (3) The overrun charges for overruns greater than 5% of the scheduled quantity shall be reasonable, transparent and non-discriminatory and shall be specified in the access arrangement.
- (4) The overrun charges payable by the shipper for any particular entry point in respect of a day shall be equal to the product of the overrun quantity calculated as stipulated in sub-regulation (1) of this regulation and the overrun rate as specified in the access arrangement on non-discriminatory basis.
- (5) The overrun charges payable by the shipper in respect of a day shall be equal to the sum of the overrun charges payable in respect of each entry point on that day.

15. System imbalance charges.

- (1) Positive imbalance quantity on a day, in MMBTU, shall be the excess of the aggregate of the shipper's quantities delivered at the entry points over the aggregate of the shipper's quantities off taken at the exit points.
- (2) Negative imbalance quantity on a day, in MMBTU, shall be the excess of the aggregate of the shipper's off taken quantities at the exit points over the aggregate of the shipper's delivered quantities at the entry points.
- (3) The cumulative imbalance at the start of a day shall be equal to the cumulative imbalance at the end of the previous day. At the start of the first day when natural gas is delivered by the shipper, the cumulative imbalance shall be zero.
- (4) The cumulative imbalance at the end of a day shall be equal to the sum of the cumulative imbalance at the start of the day and the imbalance for the day.
- (5) The shipper shall not have to pay any imbalance charges upto a cumulative positive imbalance of 5% and cumulative negative imbalance of 3% of the sum of the relevant entry points MDQ. Authorised entity shall notify the imbalance quantity to shipper on daily basis so as to provide an opportunity to shipper to cure imbalances while submitting nominated quantity for subsequent period. In case the shipper is unable to cure such imbalances in a period of fifteen days, then, the authorised entity shall have the right to adjust daily nomination at the entry points and exit points to cure such imbalances to ensure safety and integrity of the city or local natural gas distribution network. Imbalance rates for cumulative positive imbalance and cumulative negative imbalance over and above these limits shall be reasonable, transparent and non-discriminatory.
- (6) The imbalance charges payable by the shipper for any particular day shall be equal to the product of the cumulative imbalance quantity calculated as stipulated in sub-regulation 4 of this regulation and the imbalance rates specified in the access arrangement.
- (7) The daily imbalance gas quantities shall be settled between the shipper and the authorised entity every fortnight considering actual daily metered amounts for industrial, commercial and CNG segments and assuming a mutually agreed daily consumption quantity of gas for domestic segment; the methodology for the

settlement shall be specified in the access arrangement. The reconciliation with actual metered quantity for the domestic segment shall be as agreed in the access arrangement between the shipper and the authorised entity.

- (8) There shall be established an escrow account to be maintained by the authorised entity which shall be credited with all charges received by the authorised entity on account of imbalances and overruns under these regulations and the authorised entity shall be eligible to withdraw from the escrow account the payment towards his contractual obligations with reference to supply or pay and extra efforts to compress gas in case of negative imbalance and for management of the CGD network due to such imbalances created by the shippers.
- (9) The authorised entity shall submit audited statement of the escrow account referred to in sub-regulation 8 on an annual basis to the Board.
- (10) The balance amount available in the escrow account, after the eligible withdrawal by the authorised entity, under sub regulation (8) may be utilized in such a manner and for such purposes as may be specified by the Board.

16. Hourly delivery, off take and receipt rates.

- (1) The MDR, MOR and the MRR, as well as the authorised deviations from the hourly scheduled rates for which the shipper shall not have to pay any charges, shall be specified in the access arrangement so as to ensure the safety and integrity of the city or local natural gas distribution network.

- (2) The charges for deviations in hourly delivery and off take rates that exceed these limits shall be specified in the access arrangement:

Provided that the shipper shall not be required to pay any charges for deviations in hourly delivery and off take rates that exceed the limits specified in the access arrangement for the first sixty days of commencement of its access to the entry and exit points capacity on the city or local natural gas distribution network if the shipper has booked capacity under regulation 5.

17. System Use Gas (SUG), Lost and Unaccounted for Gas (LUAG).

The authorised entity shall absorb SUG and LUAG, if any, and shall not

pass on liability on this account to any shipper:

Provided that the authorised entity shall be free to arrange this natural gas from any other source.

18. Line Pack (LP).

The authorised entity shall arrange for LP gas at all time and no charges shall be passed on to the shipper. For the purpose of tariff fixation, this shall form non-depreciable capex at original filling price.

19. Planned maintenance.

(1) The authorised entity shall intimate the shipper on non-discriminatory basis of its maintenance plan for a defined period well ahead of time, as agreed in the access arrangement, identifying those entry and exit points where natural gas flows may be restricted by maintenance works, the extent of the restrictions and the time of occurrence. The authorised entity shall plan such maintenance so as to minimize disruption to affected parties.

(2) The planned maintenance shut down period for any customer, in all the segments, except domestic, shall not exceed ten days in a year. For domestic customers, the service obligations specified in the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008 and other relevant regulations shall prevail.

20. Force majeure.

(1) The affected party shall on occurrence of any *force majeure* -

(a) as soon as reasonably practicable notify each of the other parties of the occurrence and nature of the *force majeure*, the expected duration thereof insofar as the same can reasonably be assessed and the obligations of the affected party performance of which is affected thereby; and

(b) from time to time thereafter provide to each other party reasonable details of the following, namely: -

(i) developments in the matters notified under sub-regulation (a) of this regulation;

(ii) the steps being taken by the affected party to overcome the *force majeure* occurrence or its effects and to resume performance of its relevant obligations.

- (2) The authorised entity and the shipper shall be relieved of their respective obligations arising out of and in the course of force majeure.

21. Operating procedures and emergencies.

- (1) The operating procedures to be followed by the authorised entity and the shipper during regular operations as well as in the event of an emergency shall be included in the access arrangement.

- (2) An emergency may exist -

(a) by reason of a leakage, or suspected leakage, of gas; or

(b) in following circumstances, namely: -

(i) the safety of the network is at risk;

(ii) the safe conveyance of gas through the network is at risk;

(iii) gas conveyed by the network is at such a pressure or of such a quality as to constitute, when supplied to the customer's premises, a danger to life or property; or

(iv) any other circumstances reasonably believed by the authorised entity to constitute an emergency (which, for the avoidance of doubt, may include circumstances upstream of an entry point), and, where the context requires, a reference to an emergency includes the event or circumstance which gives rise to such emergency.

- (3) The authorised entity shall take steps to restore normal operation of the network as soon as reasonably possible after an emergency and the restoration of services to the various customer segments in case of emergencies or disruptions or interruptions in the city or local natural gas distribution network shall be carried out in the following order of priority, namely: -

(a) domestic PNG customers;

- (b) essential services (hospitals, clinics, milk supplies, etc);
- (c) CNG customers;
- (d) Others.

22. Confidentiality of information.

- (1) All documentation, information, data, submissions and comments disclosed or delivered whether in writing or otherwise by any entity to the authorised entity, shipper or to any other party either in connection with or in consequence of the requirements of these regulations shall be regarded and treated as confidential and shall not be disclosed either in full or part of any or all of the documentation, information, data, submissions and comments including the contents and copies thereof in any form except in connection with any proceedings in any court.

23. Miscellaneous.

- (1) The Board shall have power to issue clarifications with regard to these regulations and in case of any dispute, the clarification given by the Board shall be final and binding.
- (2) If any dispute arises with regards to the interpretation of any of the provisions of these regulations, the decision of the Board shall be final.

Schedule-I

(see regulation 2(1) (i))

Conversion formula for converting mass of CNG into energy value

$$\text{Natural Gas (MMBTU)} = \text{Mass of CNG (Kg)} \times \text{GCV} \times \frac{3.96828 \times 10^{-6}}{\rho}$$

Where,

1. ρ = Density of Natural Gas at STP (kg/Sm^3).
 STP = Standard Temperature and Pressure – as defined by IUPAC (International Union of Pure and Applied Chemistry) as air at 0°C (273.15 K , 32°F) and 10^5 Pasca .
 $(1\text{ Pa} = 10^{-6}\text{ N/mm}^2 = 10^{-5}\text{ bar} = 0.1020\text{ kp/m}^2 = 1.02 \times 10^{-4}\text{ m H}_2\text{O} = 9.869 \times 10^{-6}\text{ atm} = 1.45 \times 10^{-4}\text{ psi (lbf/in}^2))$
2. GCV = Gross Calorific Value in (Kcal/Sm^3).
3. GCV and ρ shall be from homogenous zone to be defined by the authorised entity upfront from time to time.

Schedule -II

(see regulation 5(1) and 5(7))

Format for public consultation for capacity booking on city or local natural gas distribution network

1. Name of entity :
2. Name of City or Local Natural Gas Distribution Network:
3. Name of entry points and entry points capacity (in MMBTU at specified GCV) at each point:
4. Name of exit points, exit point capacity (in MMBTU at specified GCV) at each point and CNG exit point capacity (in kgs) at each point:
5. Required Gas parameters at entry points:
 - (a) acceptable range of pressure and temperature:
 - (b) acceptable range of the CV band:
 - (c) acceptable limits for other elements in natural gas like CO₂, N₂, O₂, etc.

Schedule - III

(see regulation 5(3))

Format for requesting capacity on city or local natural gas distribution network

1. Name of entity:
2. Name of City or Local Natural Gas Distribution Network:
3. Name of entry points and entry point capacity requirement (in MMBTU) at each point:
4. Name of exit points, exit point capacity requirement (in MMBTU) at each point and CNG exit point capacity requirement (in Kgs) at each point:
5. Gas parameters at entry points (to be specified separately for each entry point):
 - (a) range of pressure and temperature
 - (b) the CV band
 - (c) estimated limits for other elements in natural gas like CO₂, N₂, O₂ etc.

6. Required gas parameters at exit points (to be specified separately for each exit point):

- (a) acceptable range of pressure and temperature
- (b) acceptable range of the CV band
- (c) acceptable limits for other elements in natural gas like CO₂, N₂, O₂ etc.

7. Start date and tenure (in number of days) for which access to capacity is required:

Schedule - IV

(see regulation 7(1))

Threshold limit for gas parameters on City or Local Natural Gas Distribution Network

Parameters	Limit
Hydrocarbons dew pt (Degree Celsius, max.)	0
Water dew point (Degree Celsius, max)	0
Hydrogen Sulphide (ppm by wt. max.)	5
Total Sulphur (ppm by wt. max.)	10
Carbon dioxide (mole % max.)	6
Total inerts (mole %)	8
Temperature (Degree Celsius, max.)	55
Temperature (Degree Celsius, min.)	10-20
Oxygen (% mole vol. max.)	0.2
Wobbe Index (for domestic consumers)	39-53*

Note : * based on MJ/SCM

RATAN P. WATAL, Secy.

[ADVT. III/4/188/10-Exty.]

CP 71

Petroleum & Natural Gas Act

2006

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग III—खण्ड 4

PART III—Section 4

प्राधिकार से प्रकाशित

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NEW DELHI, TUESDAY, DECEMBER 16, 2014/AGRAHAYANA 25, 1936

पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड

अधिसूचना

नई दिल्ली, 16 दिसम्बर, 2014

फा. सं. एम(आई)/टी4एस/सीजीडी/1/2010.—पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड अधिनियम, 2006 (2006 का 19) की धारा 61 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड एतद्वारा पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (नगर या स्थानीय प्राकृतिक गैस वितरण नेटवर्क के लिए सुरक्षा मानकों सहित तकनीकी मानक और विशिष्टियाँ) विनियम, 2008 में संशोधन करने के लिए निम्नलिखित विनियम बनाता है, नामतः—

1. संक्षिप्त शीर्षक और प्रारंभ

(1) इन नियमों को पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (नगर या स्थानीय प्राकृतिक गैस वितरण नेटवर्क के लिए सुरक्षा मानकों सहित तकनीकी मानक और विशिष्टियाँ) संशोधन विनियम, 2014 कहा जाएगा।

(2) ये सरकारी राजपत्र में उनके प्रकाशन की तारीख से प्रवृत्त होंगे।

2. पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (नगर या स्थानीय प्राकृतिक गैस वितरण नेटवर्क के लिए सुरक्षा मानकों सहित तकनीकी मानक और विशिष्टियाँ) संशोधन विनियम, 2008 में,—

(क) अनुसूची 1ग, पाइपिंग प्रणाली घटक शीर्षक के तहत मद (ड.) में, वाल्व और फ्लैंग्स के अलावा अन्य फिटिंग के तहत प्रारम्भिक शब्द "63 मी.मी. तक की फ्यूजन फिटिंग के लिए " तथा "..... क्लैम्पस का इस्तेमाल किया जाएगा" समाप्ति पर निम्नलिखित प्रतिस्थापित किया जाएगा, नामतः—

"63 मी.मी. तक की फ्यूजन फिटिंग के लिए कंपनी इंटेग्रल फिक्सेशन डिवाइस के साथ की फ्यूजन फिटिंग के इस्तेमाल पर विचार कर सकती है। तथापि बाहरी संरेखन क्लैम्प सभी आकारों के लिए इस्तेमाल किया जाएगा।";

(ख) अनुसूची 1घ स्टील पाइप शीर्षक के पैरा 2 और 3 में दीवार की नाममात्र की मोटाई के लिए अतिरिक्त आवश्यकता के तहत प्रारम्भिक शब्द "इस मानक के....." और समाप्ति शब्द ".....एएलएआरपी (जहां तक संभव हो तर्कसंगत रूप से कम) किया जाना चाहिए", निम्नलिखित प्रतिस्थापित किया जाएगा, नामतः—

"इस मानक के अनुसार पाइप के आकार की अनुमेय न्यूनतम नाममात्र की मोटाई 4 इंच के नाममात्र के व्यास और उससे अधिक, पाइप सामग्री के ग्रेड के निरपेक्ष होनी चाहिए।

सभी मौजूदा मामलों में जहां विद्यमान 4 इंच और अधिक के आकार के पाइप की मोटाई 6.4 मी.मी. से कम हो, मात्रात्मक जोखिम मूल्यांकन कराया जाना चाहिए तथा जोखिम के स्तर को एएलएआरपी तक (जहां तक संभव हो तर्कसंगत रूप से) कम किया जाना होगा।

भूमि के उपर और भूमिगत दोनों पाइप का आकार 4 इंच से कम नाममात्र के व्यास, न्यूनतम नाममात्र की मोटाई नीचे दर्शाई गई तालिका के अनुसार होगी:

पाइप दीवार की न्यूनतम मोटाई (रेफ एएसएमइ बी 36.10 एम)		
एएनएआइ रेटिंग 150# तो 300#		
एनपीएस	पहचान	अनुसूची क्र.
0.5	XS	80
0.75	XS	80
1	XS	80
1.5	XS	80
2	XS	80
3	STD	40

(ग) अनुसूची 1जी शीर्षक विविध गंधीकरण के पैरा 2 के प्रारम्भिक शब्द "अधिकतम" और समाप्ति शब्द "..... गंधकारक गैस में मिलाया जा सकता है", निम्नलिखित प्रतिस्थापित किया जाएगा, नामतः—

"उपयुक्त गंध की एक पूर्व निर्धारित मात्रा गैस धारा में डोज्ड की जाएगी। सीजीडी प्रणाली में प्रयुक्त उक्त मात्रा की डोजिंग ऐसी होनी चाहिए कि वह मानवमात्र के साथ-साथ सामग्री और उपकरणों के लिए सुरक्षित हो।"

के. राजेश्वर राव, विशेष कार्याधिकारी (आर)

[विज्ञापन -III/4/ असा. /188/14(229)]

पाद टिप्पणी : मुख्य विनियम सं. सा.का.नि. 612(अ), दिनांक 27 अगस्त, 2008 को अधिसूचित तथा संशोधित अधिसूचना सं. सा.का.नि. 750(अ), दिनांक 14.10.2009 के माध्यम से अधिसूचित हुए थे।

PETROLEUM AND NATURAL GAS REGULATORY BOARD

NOTIFICATION

New Delhi, the 16th December 2014

F. No. M (I)/T4S/CGD/1/2010.—In exercise of the powers conferred by section 61 of the Petroleum and Natural Gas Regulatory Act, 2006 (19 of 2006), the Petroleum and Natural Gas Regulatory Board hereby makes the following regulations to amend the Petroleum and Natural Gas Regulatory Board (Technical Standards and Specifications including Safety Standards for City or Local Natural Gas Distribution Networks) Regulations, 2008, namely:—

1. Short title and commencement.

(1) These regulations may be called the Petroleum and Natural Gas Regulatory Board (Technical Standards and Specifications including Safety Standards for City or Local Natural Gas Distribution Networks) Amendment Regulations, 2014.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Petroleum and Natural Gas Regulatory Board (Technical Standards and Specifications including Safety Standards for City or Local Natural Gas Distribution Networks) Regulations, 2008,-

(A) in Schedule 1C, under heading PIPING SYSTEM COMPONENTS, in point (c), under Fittings other than Valves and Flanges, for the words beginning with "For fusion fitting upto 63 mm,..." and ending with ".....clamp shall be used.", the following shall be substituted, namely:-

"For fusion fitting upto 63 mm, the entity may consider usage of fusion fittings with integral fixation device. However, external alignment clamp shall be used for all sizes.";

(B) in Schedule 1D, under heading STEEL PIPE, in paras 2 and 3 under Additional Requirement for Nominal Wall Thickness, for the words beginning with "In any case minimum" and ending with ".....reduced to ALARP (As low as reasonably possible).", the following shall be substituted, namely:-

"In any case minimum nominal thickness of pipe permitted as per this standard shall be 6.4 mm for pipe size 4 inch nominal dia. and above, irrespective of the grade of the pipe material.

In all existing cases where thickness of pipe is less than 6.4 mm for pipe size 4 inch and above, Quantitative Risk Assessment shall be carried out and the risk level shall be reduced to ALARP (As low as reasonably possible).

For both aboveground and underground pipe size less than 4 inch nominal dia., the minimum nominal thickness shall be as per table below :

Minimum Pipe Wall Thickness (Ref ASME B36.10 M)		
ANSI Rating- 150 # to 300 #		
NPS	Identification	Schedule No.
0.5	XS	80
0.75	XS	80
1	XS	80
1.5	XS	80
2	XS	80
3	STD	40

(C) in Schedule 1G, under the heading ODOURISATION, in para 2 for the words beginning with "A pre-determined quantity,...." and ending with "....dosed into the gas stream.", the following shall be substituted, namely:-

"A pre-determined quantity of suitable odorant shall be dosed into the gas stream. The dosing should be such that it is safe for human as well as materials and equipments used in CGD system."

K. RAJESWARA RAO, OSD(R)

[ADVT.-III/4/Exty./188/14(229)]

Foot Note : Principal regulations were notified vide No. G.S.R. 612(E), dated 27th August, 2008 subsequently amended vide G.S.R. 750(E), dated 14.10.2009.



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पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड

अधिसूचना

नई दिल्ली, 17 अप्रैल 2015

फा.सं. पीएनजीआरबी/एम(आई)/टी4एस/कॉन्फ/1/2009.—पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड अधिनियम, 2006 (2006 का 19) की धारा 61 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड एतद्वारा निम्नलिखित विनियम बनाता है, नामतः:-

1. संक्षिप्त शीर्षक और प्रारंभण

- (1) इन विनियमों को पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (तृतीय पक्ष अनुरूपता आकलन) विनियम, 2015 कहा जाएगा।
- (2) ये सरकारी राजपत्र में उनके प्रकाशन की तारीख से प्रवृत्त होंगे।

2. परिभाषाएं:

- (1) इन विनियमों में जब तक कि अन्यथा संदर्भ में अपेक्षित न हो:-

- (क) "प्रत्यायन निकाय" का अर्थ उस निकाय से है जिसे बोर्ड द्वारा संगत विनियम की अनुरूपता के लिए तृतीय पक्ष निरीक्षण या लेखा-परीक्षा कराने हेतु तृतीय पक्ष एजेंसियों (टीपीएस) की दक्षता का आकलन करने के लिए निर्धारित किया गया हो;
- (ख) "अधिनियम" का अर्थ पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड अधिनियम, 2006 (2006 का 19) से है;
- (ग) "अनुमोदित एजेंसी" का अर्थ तृतीय पक्ष एजेंसी से है जिसे बोर्ड द्वारा स्वयं या बोर्ड द्वारा निर्धारित मान्यता-प्राप्त निकाय की सिफारिश के आधार पर विधिवत अनुमोदित किया गया हो;
- (घ) "आकलन" का अर्थ किसी नियोजित और प्रलेखित कार्यकलाप से है जिसमें तृतीय पक्ष एजेंसी के कार्यालय द्वारा प्रस्तुत आवेदन, डेटा, सूचना या दस्तावेज की जांच और सत्यापन या वस्तुपरक साध्य के अन्वेषण, जांच या मूल्यांकन द्वारा निर्धारण हेतु किए गए स्थल आकलन, ऐसी तृतीय पक्ष एजेंसी की आवश्यकताओं, प्रक्रियाओं, अनुदेशों तथा अन्य लागू दस्तावेजों के संबंध में स्थापित मानदंड के अनुरूप पर्याप्तता शामिल है;
- (ङ) "निरीक्षक" का अर्थ विनिर्दिष्ट दक्षता मानदंड के अनुसार अर्हता प्राप्त निरीक्षक या लेखा-परीक्षक से है;

(च) "कानूनी कंपनी" का अर्थ उस कंपनी से है जो देश के कानून के अनुसार कानूनी रूप से पंजीकृत है और जिसे उसके कानूनी रूप से ज़िम्मेवार ठहराया जा सकता है;

(छ) "पर्यवेक्षक" का अर्थ अर्हता प्राप्त निरीक्षकों या लेखा-परीक्षकों के पर्यवेक्षक और उनके कार्य की समीक्षा के लिए तैयार करने वाले तकनीकी रूप से सक्षम व्यक्ति से है;

(ज) "तृतीय पक्ष एजेंसी" का अर्थ आईएसओ/आईईसी 17020 के अनुसार टाइप ए निरीक्षण निकाय से है;

(2) इन विनियमों में प्रयुक्त शब्द और अभिव्यक्तियाँ, जिन्हें इन विनियमों में परिभाषित नहीं किया गया है, लेकिन अधिनियम तथा उसके अंतर्गत बनाए गए नियमों एवं विनियमों में परिभाषित किया गया है, का अधिनियम या नियमों एवं विनियमों, द्वारा स्थिति हो, में क्रमशः सौंपे गए अर्थ होंगे।

3. प्रयोजनीयता

ये विनियम निम्नलिखित पर लागू होंगे:-

(क) रिफाइनरी, गैस प्रोसेसिंग, एलएनजी पुनः गैसीकरण स्थापना आदि जैसी हाइड्रोकार्बन्स प्रोसेसिंग स्थापनाएं;

(ख) पाइपलाइन जैसे प्राकृतिक गैस, प्रोपेन, ब्यूटेन आदि तथा हाइड्रोकार्बन उत्पाद जो सामान्य तापमान और दबाव (एनटीपी) में गैसीय अवस्था में रहते हैं;

(ग) एलपीजी पाइपलाइन सहित तरल पेट्रोलियम उत्पाद;

(घ) वाणिज्यिक और मध्यवर्ती तथा पेट्रोलियम भंडारण सुविधाएं, गैस भंडारण सुविधा केन्द्र और टर्मिनल जिसमें एलएनजी पुनः गैसीकरण टर्मिनलों में भंडारण सुविधाएं शामिल हों;

(ङ) हाइड्रोकार्बन्स गैस बॉटलिंग स्थापनाएं जिनमें प्राप्ति, भंडारण और हैंडलिंग सुविधाओं सहित एलपीजी, प्रोपेन और ब्यूटेन के लिए भंडारण शामिल हो;

(च) नगर या स्थानीय प्राकृतिक गैस वितरण सुविधाएं;

(छ) वितरण स्टेशन और खुदरा विक्री केन्द्र;

(ज) पेट्रोलियम उत्पादों का सड़क मार्ग द्वारा परिवहन;

(झ) अन्य कोई स्थापना जिसे बोर्ड द्वारा समय-समय पर अधिसूचित किया जाएगा।

4. कार्यक्षेत्र

इन विनियमों की आवश्यकता बोर्ड द्वारा समय-समय पर अधिसूचित और संशोधित के अनुसार विभिन्न विनियमों की तृतीय पक्ष अनुरूपता पर लागू होगी जो निम्नलिखित तक सीमित नहीं होगी -

(क) पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (नगर या स्थानीय प्राकृतिक गैस वितरण नेटवर्क के लिए सुरक्षा मानकों सहित तकनीकी मानक और विशिष्टियाँ) विनियम, 2008;

(ख) पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (प्राकृतिक गैस पाइपलाइनों के लिए सुरक्षा मानकों सहित तकनीकी मानक और विशिष्टियाँ) विनियम, 2009;

(ग) पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड [आपात प्रतिक्रिया और आपदा प्रबंधन योजना (ईआरडीएमपी) की आचरण पद्धति] विनियम, 2010;

(घ) पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (प्राकृतिक गैस पाइपलाइनों के लिए एकीकृत प्रबंधन प्रणाली) विनियम, 2012;

(ङ) पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (नगर या स्थानीय प्राकृतिक गैस वितरण नेटवर्क के लिए एकीकृत प्रबंधन प्रणाली) विनियम, 2013;

वशः एजेंसी द्वारा संविदा आधार पर नियुक्त जनशक्ति बाध्यता करार पर आधारित होनी चाहिए जो सामान्यतः एक वर्ष सत्रिंशे से कम नहीं होगी, जिससे तृतीय पक्ष एजेंसी द्वारा की जाने वाली तृतीय पक्ष निरीक्षण सेवाओं के लिए उनकी हेतुता सुनिश्चित हो।

प्रपत्र-3
वचनबद्धता

मैसर्स का प्राधिकृत
नगर/कर्ता एतद्वारा पुष्टि करता है कि उपर्युक्त दी गई सूचना सत्य और सही है। कोई गलत सूचना/भ्रामक सूचना/ तथ्यों को छिपाने से
अनुमोदित एजेंसी के रूप में वचनबद्धता के लिए अपात्र हो जाएगी।

आवेदक के हस्ताक्षर

आवेदक का नाम

परिशिष्ट-1
[देखें विनियम 6(2) (ख)]

क्र. सं.	स्थापना का नाम	टी 4 एस लेखा-परीक्षा की आवधिकता (वर्ष)	ईआरडीएमपी समीक्षा और प्रमाणन की आवधिकता (वर्ष)	आईएमएस लेखा-परीक्षा की आवधिकता (वर्ष)
1.	रिफाइनरी	#	3	#
2.	गैस प्रोसेसिंग स्टेशन	#	3	#
3.	एलएनजी पुनः गैसीकरण स्थापना	#	3	#
4.	प्राकृतिक गैस पाइपलाइनें	3	5	3
5.	प्रोपेन/ब्यूटेन पाइपलाइनें	#	5	#
6.	तरल पेट्रोलियम उत्पाद पाइपलाइनें	3	5	3
7.	पेट्रोलियम भंडारण सुविधाएं	#	5	#
8.	गैस भंडारण सुविधाएं और टर्मिनल जिनमें एलएनजी पुनः गैसीकरण टर्मिनलों में भंडारण सुविधा शामिल हों।	#	5	#
9.	हाइड्रोकार्बन्स गैस बॉटलिंग स्थापनाएं जिनमें प्राप्ति, भंडारण और हैंडलिंग सुविधाओं सहित एलपीजी, प्रोपेन और ब्यूटेन के लिए भंडारण शामिल हो;	#	5	#
10.	नगर या स्थानीय प्राकृतिक गैस वितरण नेटवर्क	3	5	3
11.	वितरण स्टेशन और खुदरा बिक्री केन्द्र	#	5	#
12.	सड़क मार्ग द्वारा पेट्रोलियम उत्पादों का परिवहन	#	5	#
13.	अन्य कोई स्थापना जिसे समय-समय पर बोर्ड द्वारा अधिसूचित किया गया हो।	#	#	#

टिप्पणी: (1) उपर्युक्त विनिर्दिष्ट आवधिकता अधिकतम अवधि है जिसमें लेखा-परीक्षा कराई जानी होती है। तथापि, कंपनी द्वारा लेखा-परीक्षा/समीक्षा कराई जाएगी, जब कभी स्थापना में बड़ा परिवर्तन, आशोधन, गत्यावरोध दूर करना, विस्तार आदि हो तथा प्रौद्योगिकी का प्रकार, स्वचालन का स्तर, संयंत्र की आयु, आसपास होने वाले परिवर्तन जैसे जनसांख्यिकी अस्पतालों का निर्माण, बड़े समूह स्थल आदि जिनमें जोखिम स्तर को बदलने की क्षमता हो या जोखिम को मापने की प्रतिक्रिया का प्रभाव हो या अन्य किसी लागू सांविधिक के अंतर्गत अपेक्षित अनुसार हो, जैसे तथ्यों पर भी विचार किया जाएगा।

(2) प्राकृतिक गैस पाइपलाइनों के लिए एकीकृत प्रबंधन विनियमों के अंतर्गत आवधिक तृतीय पक्ष लेखा-परीक्षा की अवधि टी4एस विनियमों और एकीकृत प्रबंधन विनियमों के अंतर्गत पहले किए गए तृतीय पक्ष लेखा-परीक्षा के अनुसार होगी ताकि पिछले टी4एस/एकीकृत प्रबंधन लेखा-परीक्षा में सूचित किसी गैस-अनुरूपता को कम करने की जांच और पुष्टि की जा सके तथा टी4एस विनियमों के प्रावधानों के अनुपालन पर प्राकृतिक गैस पाइपलाइन प्रणाली में नई कनेक्टिविटी/ सुविधाओं के संबंध में भी विचार किया जा सके जो पिछले तृतीय पक्ष लेखा-परीक्षा के बाद हुए हों।

बोर्ड द्वारा समय-समय पर निर्णय लिया जाएगा।

के. राजेश्वर राव, विशेष कार्याधिकारी (आर)

[गिज्ञापन-III/4/असा./188/17/15]

PETROLEUM AND NATURAL GAS REGULATORY BOARD

NOTIFICATION

New Delhi, the 17th April, 2015

F. No. PNGRB/M(I)/T4S/Confo/1/2009.—In exercise of the powers conferred by section 61 of the Petroleum and Natural Gas Regulatory Board Act, 2006 (19 of 2006), the Petroleum and Natural Gas Regulatory Board hereby makes the following regulations, namely:—

1. Short title and commencement

(1) These regulations may be called the Petroleum and Natural Gas Regulatory Board (Third Party Conformity Assessment) Regulations, 2015.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions

(1) In these regulations, unless the context otherwise requires, -

- (a) "Accreditation Body" means a body determined by the Board to assess the competence of Third Party Agencies (TPAs) for carrying out third party inspection or audit for conformity to the relevant regulation and recommend to the Board for their empanelment;
- (b) "Act" means the Petroleum and Natural Gas Regulatory Board Act, 2006 (19 of 2006);
- (c) "Approved Agency" means a Third Party Agency duly approved by the Board on its own or based on recommendation by an Accreditation Body determined by the Board;
- (d) "Assessment" means a planned and documented activity which may include examination and verification of the application, data, information or documents submitted by a Third Party Agency and office or site assessment performed to determine by investigation, examination or evaluation of objective evidence, the

adequacy of compliance with established criteria regarding requirements, procedures, instructions and other applicable documents and the effectiveness of implementation of such Third Party Agency;

- (e) "Inspector" means Inspector or auditor qualified as per specified competence criteria;
- (f) "Legal entity" means an entity which is legally registered as per laws of the country and which can be legally held responsible for its activities;
- (g) "Supervisor" means a technically competent person responsible for supervising qualified inspectors or auditors and for reviewing their work;
- (h) "Third Party Agency" means Type A inspection body as per ISO/IEC 17020.

(2) Words and expressions used and not defined in these regulations, but defined in the Act or in the rules or regulations made thereunder, shall have the meanings respectively assigned to them in the Act or in the rules or regulations, as the case may be.

3. Applicability

These regulations shall apply to –

- (a) hydrocarbons processing installations such as refinery, gas processing, LNG Re-gasification installations etc.;
- (b) pipeline such as natural gas, propane, butane etc. and the hydrocarbon products which remain in gaseous state at Normal Temperature and Pressure (NTP);
- (c) liquid petroleum product including LPG pipeline;
- (d) commercial as well as intermediate and balancing petroleum storage facilities, natural gas storage facilities and terminals including storage facilities at LNG Re-gasification terminals;
- (e) hydrocarbon gas bottling installations having receiving, storage and handling facilities including storage for LPG, propane and butane;
- (f) city or local natural gas distribution facilities;
- (g) dispensing stations and retail outlets;
- (h) transportation of petroleum products by road;
- (i) any other installation as may be notified by the Board from time to time.

4. Scope

Requirement of these regulations shall apply for third party conformity of various regulations as notified and amended by the Board from time to time including but not limited to the following–

- (a) the Petroleum and Natural Gas Regulatory Board (Technical Standards and Specifications including Safety Standards for City or Local Natural Gas Distribution Networks) Regulations, 2008;
- (b) the Petroleum and Natural Gas Regulatory Board (Technical Standards and Specifications including Safety Standards for Natural Gas Pipelines) Regulations, 2009;
- (c) the Petroleum and Natural Gas Regulatory Board (Codes of Practices for Emergency Response and Disaster Management Plan (ERDMP)) Regulations, 2010;
- (d) the Petroleum and Natural Gas Regulatory Board (Integrity Management System for Natural gas pipelines) Regulations, 2012;
- (e) the Petroleum and Natural Gas Regulatory Board (Integrity Management System for City or Local Natural Gas Distribution Networks) Regulations, 2013;

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5. Intent

The intent of these regulations is to specify mechanism for assessment of conformity to various regulations by the entities through Approved Agencies or by the Board on its own including eligibility criteria and procedure for assessment of Third Party Agency for empanelment as Approved Agency.

6. Demonstration of compliance

6.(1) All entities shall demonstrate compliance to the relevant regulations notified by the Board through assessment of conformity of various activities at different stages through appropriate certification, monitoring, control and mitigation mechanism including Statutory Audits, Third Party Inspections etc by Approved Agencies at specified periodicity and through appropriate submissions to the Board. The Board may provide appropriate guidelines or check lists for assessing conformity of notified regulations related to various activities at different stages including but not limited to design of system or infrastructure, procurement of material or equipment, construction and commissioning, operation, emergency preparedness and response etc.

6.(2) (a) The entities shall undertake an internal audit for ensuring compliance to relevant regulations notified by the Board and seek the approval of their Board of Directors at least once a year.

(b) The entities shall arrange for an external third party inspection or audit from an Approved Agency for compliance of relevant regulations notified by the Board in accordance to frequency as per matrix provided at Appendix-1. The inspection or audit shall include verification of actions taken for addressing the non-conformities raised in the previous inspection or audit, if any. A copy of the report of inspection or audit carried out by approved agency shall be submitted by the entity after approval by its competent authority to the Board.

7. The entities shall designate authorized person for the purpose of compliance to these regulations and inform the Board.

8. In case any inspection or audit or any other means of conformity assessment reveals any non compliance of relevant regulations, the entity shall prepare a time based mitigation plan which is reviewed and agreed to by the Approved Agency and submit the same to the Board. The entity shall provide quarterly progress report on compliance of the audit observations.

9. The Board, at its discretion, may undertake an additional inspection or audit of any entity either directly or through an approved agency.

10. Eligibility criteria for Third Party Agencies seeking approval as Approved Agency and Procedure for Empanelment of Third Party Agencies are as specified in Schedule-1 and Schedule-2.

Schedule-1
(see regulation 10)

Eligibility Criteria for Third Party Agencies seeking approval as Approved Agency:

1-1 THE THIRD PARTY AGENCY (TPA)

1-1.1 Qualifications

A Third Party Agency (TPA) shall meet the requirements of these Regulations, ISO/IEC 17020 including amendments and up gradation thereto and any other requirements or guidelines specified by the Board or Accreditation Body.

1-1.1.1 A TPA shall be a legal entity in India or a reputed International Inspecting body having an office in India.

1-1.1.2 The TPA shall ensure the competence of its inspectors/ supervisors for the scopes for which empanelment is sought. The TPA shall obtain appropriate credentials of inspectors/ supervisors. The Board may issue guidelines in this regard from time to time.

1-1.1.3 The TPA shall also have adequate financial capability to carry out inspection/ audit under regulations. The net worth of TPA shall be positive and there shall not be losses in any two consecutive financial years during last 3 years.

1-1.1.4 The TPA shall have an effective organization, monitoring and control mechanism that enables it to maintain the capability to perform its technical and safety inspection functions satisfactorily.

1-1.1.5 The TPA shall have documentation which describes its functions and the technical scope of activity for which it is competent.

1-1.1.6 The TPA shall have adequate experience of inspection/ audit but no less than 3 years in the field of Oil and Gas sector for which the TPA is seeking approval as an Approved Agency. However, Board may, at its discretion, consider a TPA as an entity which does not possess the requisite minimum experience in the field of Oil and Gas sector provided it has adequate qualified personnel having experience in Oil and Gas sector.

1-1.1.7 The TPA shall carry out inspection/audit through qualified Supervisors and Inspectors/auditors who meet the qualifications/ requirements under ISO/IEC 17020 and as defined herein.

1-1.2 Duties

A TPA shall perform the duties specified below:

1-1.2.1 Provide qualified Inspectors/auditors to audit the activities in accordance with the relevant Petroleum and Natural Gas Regulatory Board Regulations.

1-1.2.2 Employ Supervisors to check, monitor and review the performance of the Inspectors/auditors.

1-1.2.3 Assure proper execution of responsibilities. In particular, the TPA shall -

(a) establish and implement an internal programme which shall provide assurance that those of its employees holding the position of Supervisor and Inspector/auditor perform their work in accordance with the requirements of these Regulations. This programme shall be documented by written policies, procedures, or instructions and shall be covering inspections/audits required under relevant Petroleum and Natural Gas Regulatory Board Regulations. The programme shall provide for orientation and training of personnel performing such activities, as necessary, to ensure that suitable proficiency level is achieved and maintained;

(b) provide instructions in writing to Inspectors/auditors and their Supervisors, specifying their respective duties and responsibilities;

(c) provide instructions in writing to Inspectors/auditors to require them to contact their Supervisor whenever the Inspector/auditor is unable to judge conformity with relevant Petroleum and Natural Gas Regulatory Board Regulations and other relevant Statutory Rules relating to design, construction, commissioning, manufacturing procedure, operation, safety or quality control provision or its implementation. Instructions should be included as a reminder to the Inspector/auditor that he has the authority and the duty to assess and include in its report all issues involving non conformance with relevant Petroleum and Natural Gas Regulatory Board Regulations.

1-1.2.4 Ensure availability of Inspectors/auditors, Supervisors and Technical Manager with relevant competence for performing work under the provisions of relevant Petroleum and Natural Gas Regulatory Board Regulations, to ensure that the Technical Manager, Inspectors/auditors and Supervisors meet the required competence, experience and training requirements of 1-2.1, 1-3.1 and 1-4.1 as appropriate. Documentation of the qualifications and experience shall be retained by the employer and shall be made available for review by the accreditation body or legal or statutory authorities upon request.

1-1.3 TPA System

1-1.3.1 A documented quality management system shall be established, implemented, and maintained by the TPA in accordance with the requirements of the ISO/IEC 17020 Standard including amendments and up gradation thereto and any other requirements/ guidelines specified by the Board or Accreditation Body. The TPA shall identify the activities to

which the laid down system applies and shall provide for the planning, control and accomplishment of activities affecting the quality of the organization's implementation of duties and activities as described in the applicable parts of these Regulations.

1-1.3.2 The TPA System shall, at a minimum, include the following parts:

(a) *Organization.* The TPA shall document the organizational structure, functional responsibilities, levels of authority and lines of responsibilities for activities required for compliance with the requirements of the Standard ISO/IEC 17020 or any other relevant standards including amendments and upgradation thereto, for activities/processes required for conformity of relevant regulations and any other requirements/ guidelines specified by the Board or Accreditation Body.

(b) *Quality Management System Description.* The TPA shall describe the scope of the activities for which the Quality Management System applies. The TPA shall document the policies and describe the process for the implementation of the requirements of the applicable Standards and PNGRB Regulations/Guidelines/Check Lists etc.

(c) *Document Control.* The TPA shall describe the process for the review and revision of its documented System. Changes to the documented System shall be controlled and the process for review and approval of changes shall be specified. All changes to the System require review and acceptance by the Board or Accreditation Body before implementation. Further, the System shall be controlled to ensure appropriate distribution to and use at the location(s) where the prescribed activity is performed.

(d) *Training.* The System shall describe the process for the indoctrination and training of personnel.

(e) *Audits.* The System shall describe the process for the audits as required under 1-3.2.5 and 1-1.8(d).

(f) *Records.* The System shall describe the process for records management. The description shall include the requirements and the responsibilities for record identification, generation, distribution, and retention including mechanism for maintaining confidentiality.

1-1.4 Administrative Requirements

The TPA must -

(a) identify its Inspectors/auditors as employees or empanelled experts of the organization. The organization must demonstrate control over the Inspector's/auditor's activities;

(b) have on its regular rolls at least 5 Inspectors/auditors and one Supervisor with relevant experience of inspection/ audit for the scope applied for out of the areas as mentioned under regulation 3 above. The Supervisor /Inspector ratio shall be at least 1:5;

(c) identify any entity within its ownership structure that provides a service or product that may create a conflict of interest with its TPA work and put in place a documented and demonstrable mechanism to ensure that there is no conflict of interest in TPA work;

1-1.5 Structure of TPAs

The TPA must -

(a) be a legal entity in India ;

(b) provide the formal name of the TPA and under what legal authority it was formed ;

(c) identify the owner or owners of the organization and, additionally, any other owners within the chain of ownership up to, and including, the ultimate parent or owner.

1-1.6 Independence, Impartiality Integrity and Confidentiality

1-1.6.1 The TPAs shall meet requirements prescribed in the applicable standards like ISO 17020.

1.1.6.2 The TPAs shall be Type A inspection bodies as per ISO/IEC 17020.

1.1.6.3 The TPAs shall not have any commercial relationship with the entities other than third party conformity assessment.

1.1.6.4 The TPA shall ensure confidentiality of information obtained in the course of its inspection/audit/conformity assessment activities. Proprietary rights shall be protected.

1.1.6.5 The TPA shall ensure that all of its manpower including outsourced manpower responsible for carrying out inspection/ audit related tasks and/or having access to related data/information/document are not only aware of the requirements under this head but shall also ensure compliance of the same through an appropriate mechanism.

1-1.7 Organization and Management

The TPA shall -

- (a) have the capability to perform its technical functions satisfactorily;
- (b) define and document the responsibilities and reporting structure;
- (c) have a technical manager, howsoever named, who has the overall responsibility for overseeing inspection/audit/conformity assessment activities in accordance with these regulations;
- (d) perform annual review of performance of Supervisors and Inspectors/ auditors and update their records.

1-2 THE TECHNICAL MANAGER

1-2.1 Qualifications

1-2.1.1 The TPA shall have available one or more persons as technical managers who have overall responsibility to ensure that the conformance assessment activities are carried out in accordance to these Regulations, ISO/ IEC 17020 Standard and as per regulations. The Technical Manager shall be a permanent employee of the TPA.

1-2.1.2 The Technical Managers shall be technically competent, have thorough knowledge on regulations and have relevant experience in the Oil and Gas sector. Where the TPA has more than one technical manager, the specific responsibilities of each technical manager shall be defined and documented.

1-3 THE SUPERVISOR

1-3.1 Qualifications

1-3.1.1 The Supervisor shall be selected and designated as such by the TPA. In this regard, guidance may be taken from standards such as Part 5 of ASME QAI-1a (Qualifications for Authorized Inspection), ASME B31Q (Pipeline Personnel Qualification – ASME Code for pressure piping). A Supervisor shall also be qualified as an Inspector and shall have the additional qualifications specified below.

1-3.1.2 The Supervisor, subsequent to being qualified as an Inspector, shall have been engaged for at least 1 year in activities such as inspection or examination in the areas specified under Regulation 3 above for which he is responsible for supervision.

1-3.1.3 The Supervisor shall have knowledge of the requirements of the applicable PNGRB Regulations and any standards/codes mentioned therein.

1-3.2 Duties

The Supervisor shall perform the duties specified below:

1-3.2.1 The Supervisor shall maintain a record of field sites where Inspectors assigned to the Supervisor are performing inspection activities. The Supervisor shall record the date of visits when related to the assigned supervisory duties.

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1-3.2.2 The Supervisor shall maintain a record of those Inspectors assigned and a description of their assignments.

1-3.2.3 The Supervisor shall assist in maintaining the competency of the Inspector to an acceptable level through periodic arrangement of panel discussions of work-related topics, written communications of unique problems and their solution, informal question and answer discussion sessions, and other means deemed suitable. The Supervisor shall maintain documentation of such activities.

1-3.2.4 The Supervisor shall be responsible for the technical performance of the Inspectors. Nonconforming activities reported to the Supervisor shall be informed to the TPA's Technical Managers.

1-3.2.5 The Supervisor shall audit and document the performance of each Inspector, which shall include at least one onsite witness in each year and at additional times as the need is felt by the Supervisor.

1-3.2.6 The audit required in 1-3.2.5 shall be documented in writing and shall contain comments regarding the status of each item audited.

1-3.2.7 The Supervisor shall confirm that corrective action has been verified by the Inspector to ensure compliance with the requirements of relevant ASME Code and relevant Petroleum and Natural Gas Regulatory Board Regulations.

1-4 THE INSPECTOR

1-4.1 Qualifications

An Inspector appointed and designated by the TPA shall be appropriately qualified for the scope/ area in which he is to carry out inspection activity. In this regard, guidance may be taken from standards such as Part 5 of ASME QAI-1a (Qualifications for Authorized Inspection), ASME B31Q (Pipeline Personnel Qualification – ASME Code for pressure piping) etc. Inspectors shall comply with the requirements of these Regulations. An applicant for designation as an Inspector shall have the characteristics defined below:

- (a) Demonstrated ability to perform shop and field inspections and other inspection activities in accordance with relevant Petroleum and Natural Gas Regulatory Board Regulations to the satisfaction of the Organization employing him;
- (b) Satisfactory degree of expertise, experience, and background knowledge for the inspection of pressure equipment and other critical facilities according to the complexity of the assignment and the type of plant being inspected;
- (c) Knowledge of applicable standards referenced in the Petroleum and Natural Gas Regulatory Board Regulations particularly the relevant ASME Code, Addenda, etc.;
- (d) Knowledge of Quality Control Systems, programs, shop and field procedures;
- (e) Knowledge and ability to evaluate and monitor shop and field procedures and performance;
- (f) Knowledge of the requirements for maintenance and retention of records;
- (g) Knowledge on Safety system of Oil and Gas Industries.

SCHEDULE-2
(see regulation 10)

The details submitted for empanelment of TPAs are for use within the administrative requirements of the Petroleum and Natural Gas Regulatory Board for approval of TPAs.

2-1 REQUIRED ACCREDITATION TO PROVIDE QUALIFIED INSPECTION SERVICES

TPAs shall be accredited by the Accreditation Body, as per ISO/IEC 17020 or any other appropriate standard and/or any other mechanism as approved by the Board. The Board may also decide to assess and empanel TPAs on its own.

2-2 SCOPE OF APPROVAL

(a) The letter of empanelment issued by the Board shall state the scope of inspection/audit/conformity assessment for the sectors for which approval is granted. Approval may be issued by PNGRB initially for 1 year on condition that the TPA shall obtain accreditation under ISO/IEC 17020 or any other appropriate standard for the scope for which TPA has been approved. Further, the TPA gets accreditation under ISO/IEC 17020 or any other appropriate standard; the approval may be issued upto the period of accreditation. The Board may, at its discretion, limit or extend the scope of approval and/or period of empanelment of Approved Agency.

(b) Applicants for empanelment may apply for any or all of the areas as specified under Regulation 3 above.

2-3 APPLICATION FOR EMPANELMENT

A TPA desiring empanelment shall apply to the Accreditation Body/ Board in specified application forms issued by the Board and/or Accreditation Body which shall also include the following:

- i) Describing the basis for its qualification/ experience as a TPA and the scope of activities to be approved.
- ii) Financial Details such as Annual Turnover, Net worth etc. for the last 3 years.
- iii) Number of years of experience in the areas /scope of activities applied for out of the activities mentioned under Regulation 3 above along with the description of such experience upto last 10 years.
- iv) Details of inspection/audit experience to be provided in the Format 1 along with copies of Work Orders and Completion Certificates particularly for the last 3 years related to the scope applied for and duly stamped and certified by the authorized signatory.
- v) Details of Qualified Inspectors/auditors/supervisors/technical manager to be provided in Format 2 along with resumes of technical manager/ supervisors/ Qualified Inspectors/auditors who the TPA proposes to involve for carrying out the inspection/ audit under the scope applied for. For outsourced manpower proposed for inspection/ audit under the scope applied for, undertaking, letter of commitment and/ or contract relating to commitment clearly mentioning the period of engagement need also to be provided.
- vi) The applicant shall be required to give declaration in Format 3 with respect to correctness of information.

2-4 ASSESSMENT OF TPAs FOR EMPANELMENT

- (a) The Board either directly or through an Accreditation Body shall evaluate the applications received which may include presentation to the Board by the applicant.
- (b) The applicant shall provide a controlled copy of its documentation specified by the Board or by the Board approved Accreditation Body in compliance with ISO/IEC 17020 or any other appropriate standard and in accordance with other requirements such as 'All changes to the TPA Inspection/Conformity Assessment System shall be controlled'.

- (c) Applicants applying for fresh empanelment or renewal of empanelment may require an assessment at locations from where the applicant's management functions and inspection/conformity assessment activities are controlled, followed by site audit where actual inspection is being carried out by the applicant. The applicant shall specify the locations at which the Management System as per ISO/IEC 17020 or any other applicable standard will be fully demonstrated. The purpose of the assessment is to evaluate the Applicant's Quality Management System including its implementation as well as its competence to perform specific inspections/conformity assessment.
- (d) The extent of the assessment will be determined by the Board and/or by the Accreditation Body based on a review of the Applicant's intended scope of inspection/conformity assessment described in the application.
- (e) A TPA shall provide the Assessment Team access to its facilities, premises, personnel, documents and records necessary to assess conformance with ISO/IEC 17020 or any other appropriate standard including PNGRB Regulations.
- (f) The Accreditation Body shall submit its recommendation to the Board regarding TPA to provide inspection/conformity assessment services under PNGRB Regulations only after the adequacy of the documentation and the implementation of the Inspection/conformity assessment programme as well as competence/relevant experience has been satisfactorily demonstrated.

2-5 ISSUANCE OF APPROVAL

Upon completion of a successful assessment of the competence of the TPA for the scope of inspection/conformity assessment applied for, the Accreditation Body shall recommend the TPA to the Board along with the scope for which TPA has been successfully assessed and accredited. The Board shall examine in house assessment/ the recommendation of the Accreditation Body, seek a presentation from the applicant if required and shall on satisfaction grant empanelment as an Approved Agency by issuing letter of empanelment. The approved agency shall comply with the terms and conditions of letter of empanelment, requirements of ISO/IEC 17020 and/or of any other applicable Standards and/or of the Accreditation Body and the provisions of these Regulations.

2-6 RENEWAL OF APPROVAL

No later than 6 months prior to the date of expiration of the validity of the empanelment, the TPA shall apply to the Accreditation Body or to the Board directly in case no such body is specified by the Board for the renewal of their empanelment.

2-7 Levy of Fees

The Board shall levy a nonrefundable amount of Rs. 1, 00,000/- as fees from the TPA seeking empanelment and Rs. 25000/- for subsequent renewal of empanelment as Approved Agency provided the continuity of empanelment is maintained. The fee shall be received through Approved Agency or by the Board directly in case no such body is specified by the Board, in the form of demand draft in favour of Secretary, PNGRB payable at New Delhi.

FORMAT-1

Sector	Work order	Type/Scope of Inspection	Period of Carrying Out Inspection Work	Value of work order
City or Local Natural Gas Distribution Network	1	1	1	1
	2	2	2	2
	:	:	:	:
	:	:	:	:
	5	5	5	5
Pipeline such as natural gas, propane, butane etc. and the hydrocarbons products which remain in gaseous state at NTP;	1	1	1	1
	2	2	2	2
	:	:	:	:
	:	:	:	:
	5	5	5	5
Hydrocarbons processing installation (refinery, gas processing, LNG Re-gasification installations etc.);	1	1	1	1
	2	2	2	2
	:	:	:	:
	:	:	:	:
	5	5	5	5
Commercial petroleum storage facilities, gas storage facilities and terminals including storage facilities at LNG Re-gasification terminals;	1	1	1	1
	2	2	2	2
	:	:	:	:
	:	:	:	:
	5	5	5	5
Petroleum Product Pipeline	1	1	1	1
	2	2	2	2
	:	:	:	:
	:	:	:	:
	5	5	5	5
Hydrocarbons gas bottling Installations having receiving, storage and handling facilities including storage for LPG, propane and butane;	1	1	1	1
	2	2	2	2
	:	:	:	:
	:	:	:	:
	5	5	5	5
Dispensing stations and retail outlets;	1	1	1	1
	2	2	2	2
	:	:	:	:
	:	:	:	:
	5	5	5	5
Transportation of petroleum products by road;	1	1	1	1
	2	2	2	2
	:	:	:	:
	:	:	:	:
	5	5	5	5
Others (please specify)	1	1	1	1
	2	2	2	2
	:	:	:	:
	:	:	:	:
	5	5	5	5

Note: The applicant to provide

- 1) Experience for the areas/scope for which application has been made for empanelment as TPA; and
- 2) Copies of Work Orders and Completion Certificates during the last 3 years related to the scope applied for and duly stamped and certified by the authorized signatory

1731 GE/15-6

FORMAT-2

1	Name of the Third Party Inspection Agency					
2	Address (HO)					
	Address of office from where Inspection Services are provided/managed (if different from above)					
	Delhi/NCR Address, if any					
3	Contact Person/ Email/ Contact Numbers:					
4	Company Profile	(Attach Separate Sheet if required)				
5	Whether the TPIA has obtained the ISO 17020 certification under the scope for which empanelment is requested?	YES/No (if yes clearly mention the scope)				
6	Total No. of years of work experience as a technical inspection/audit agency					
7	Total No. of Existing Manpower associated with Inspection/ Audit related services					
Details of Man Power Qualified for Technical Audits						
No. of Technical Managers		No. of competent supervisors			No. of competent Inspectors	
On Regular Rolls		On Contract	On Regular Rolls	On Contract	On Regular Rolls	On Contract
8	Annual Turn Over(for Technical Inspection related work for the last three years)					
9	Net Worth (for the last three years)					

Note: The manpower engaged by TPA on contract basis should be based upon a binding agreement normally no less than a period of one year ensuring their availability for third party inspection services to be undertaken by the TPA.

FORMAT- 3**Undertaking**

I, _____ authorized signatory of
M/s _____ hereby confirm that the information given above is true and correct. Any
wrong information /misrepresentation/ suppression of facts will make M/s _____ ineligible
for empanelment as an approved agency.

Place:

Date:

Signature of applicant

Name of applicant

Appendix-1
(see regulation 6 (2) (b))

S. No.	Name of Installation	Periodicity for T4S Audit (Years)	Periodicity for ERDMF Review and Certification (Years)	Periodicity for IMS Audit (Years)
1	Refinery	#	3	#
2	Gas Processing station	#	3	#
3	LNG Re-gasification Installation	#	3	#
4	Natural Gas Pipelines	3	5	3
5	Propane/ Butane Pipelines	#	5	#
6	Liquid Petroleum Product Pipelines	3	5	3
7	Petroleum Storage Facilities	#	5	#
8	Gas Storage Facilities and terminals including storage facilities at LNG Re-gasification terminals	#	5	#
9	Hydrocarbon gas bottling Installations having receiving, storage and handling facilities including storage for LPG, propane and butane;	#	5	#
10	City or Local Natural Gas Distribution Network	3	5	3
11	Dispensing Stations and retail outlets	#	5	#
12	Transportation of Petroleum Products by road	#	5	#
13	Any other installation as may be notified by the Board from time to time	#	#	#

Note: (1) The periodicity specified above is maximum period in which audit is to be carried out. However, the audit/review may be carried out by the entity whenever there is a major change, modification, debottlenecking, expansion etc in installation and also in consideration of factors like type of technology, levels of automation, age of plant, changes in the neighborhood such as demography, coming up of hospitals, places of large congregation etc having potential to alter risk level or have an impact to response measures to a risk or as may be required under any other applicable Statutes.

(2) The periodic third party audit under Integrity Management Regulations for natural gas pipelines shall be carried out with reference to third party audits carried out earlier under T4S Regulations and Integrity Management Regulations in order to examine and confirm the compliance of mitigation of any non-conformity reported in the previous T4S / Integrity Management Audits and to also look into compliance of provisions of T4S Regulations with respect to new connectivity/ facilities in the natural gas pipeline system which have come up subsequent to previous third party audits.

To be decided by the Board from time to time

K. RAJESWARA RAO, OSD(®)

[Advt.-III/4/Exty./188/17/15]

PETROLEUM AND NATURAL GAS REGULATORY BOARD

NOTIFICATION

New Delhi, the 27th August, 2008

G.S.R. 612(E).—In exercise of the powers conferred by Section 61 of the Petroleum and Natural Gas Regulatory Act, 2006 (19 of 2006), the Petroleum and Natural Gas Regulatory Board hereby makes the following regulations, namely :—

1. Short title and commencement.

(1) These regulations may be called the Petroleum and Natural Gas Regulatory Board (Technical Standards and Specifications including Safety Standards for City or Local Natural Gas Distribution Networks) Regulations, 2008.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

(1) In these regulations unless the context otherwise requires,—

(a) "Act" means the Petroleum and Natural Gas Regulatory Board Act, 2006;

(b) "active regulator" means a regulator in pressure regulating station (PRS) that normally controls the outlet pressure;

(c) "authorized person" means a competent person who is assigned by the owner or operator to carry out a specific job based on his competency level as laid down by the Board under regulations;

(d) "city or local natural gas distribution network" (hereinafter referred to as CGD network) means an interconnected network of gas pipelines and the associated equipments used for transporting natural gas from a bulk supply high pressure transmission main to the medium pressure distribution grid and subsequently to the service pipes supplying natural gas to domestic, industrial or commercial premises and CNG stations situated in a specified geographical area;

(e) "consumer meter" means a meter that measures gas delivered to a consumer at the consumer's premises;

(f) "creep relief valve" means a relief valve installed to relieve over pressure caused by creep in the downstream system and having maximum 1% flow capacity;

(g) "city gate station (CGS)" means the point where custody transfer of natural gas from natural gas pipeline to the CGD network takes place and this may also be referred to as City Gate Measuring and Pressure Regulating Station;

(h) "competent person" means an individual recognized by the CGD network

owner/operator based on his proficiency and skill set achieved by appropriate combination of education, training and practical experience in the critical traits as laid down by the Board under regulations;

(i) "Distribution Pressure Regulating Station or District Regulating Station (DPRS)" means a station located within authorized area for CGD network having isolation, pressure regulating and overpressure protection devices;

(j) "electro fusion joint" means a joint made in thermo plastic piping by passing the current through the electrical coil provided in the fitting and heating the parts sufficiently to permit adequate flow and fusion of the materials between the two surfaces put in contact;

(k) "Monitor and Active Regulators" means an arrangement of two regulating devices in series whose pressure settings are stepped so as to allow one (Active) normally to control the outlet pressure and the other (Monitor) to assume control in the event of failure of the active device;

(l) "operator" means an entity that operates CGD network with the authorization of the Board;

(m) "owner" means an entity that owns the CGD network and has been authorized by the Board;

(n) "primary network" means a part of CGD network that operates at pressure above 100 psig (7 bar) and below 711 psig (49 bar) and pipelines forming part of this network called Gas Main or Distribution Main or Ring Main shall be designed to ensure uninterrupted supply of gas from one or more City Gate Stations to supply gas to the secondary gas distribution network or service lines to bulk customers through service lines;

(o) "Slam Shut Valve" means a valve that is designed to close quickly in the event of an abnormal pressure (whether excess or low) being detected at a selected point in a gas system;

(p) "secondary network" means a part of CGD network that operates at a pressure below 100 psig (7 bar) and above 1.5 psig (100 mbar) and pipelines forming part of this network shall be called low-Pressure Distribution Mains which shall be designed to ensure uninterrupted supply to tertiary network or to industrial consumers through service lines;

(q) "sub-transmission pipeline" means a high pressure pipeline connecting the main transmission pipeline to the city gate station but is owned by the CGD entity;

(r) "tertiary network" means a part of CGD network that operates at pressure less than 1.5 psig (100 mbar) and pipelines forming part of this network to service Pressure Distribution Mains shall be designed to ensure uninterrupted gas supply to service lines;

(2) Words and expressions used and not defined in these regulations, but defined in the Act or in the rules or regulations made thereunder, shall have the meanings respectively assigned to them in the Act or in the rules or regulations, as the case may be;

3. Application.

Definitions, design, materials and equipment, welding, fabrication, installation, testing, operation and maintenance and corrosion control of CGD network shall be in accordance with requirements of ASME B31.8 except insofar as such requirements are specifically cancelled, replaced or modified by the requirements specified in these regulations.

4. Scope.

- (a) These regulations cover the design, materials, fabrication, installation, inspection and testing, commissioning, operation, maintenance, modifications and abandonment of CGD network for domestic, commercial and industrial users.
- (b) Requirements of these regulations shall apply to all pipelines, distribution mains and piping facilities downstream of inlet isolation valve of city gate station (CGS) up to and including consumer meter for commercial or industrial customer and up to final isolation valve including connecting hose to gas appliance for domestic consumer.
- (c) Design, materials, fabrication, installation, inspection and testing, commissioning, operation, maintenance, modifications and abandonment of steel pipeline between city gate station and natural gas pipeline (sub transmission pipeline) shall be as per separate regulations.
- (d) The CNG Station, CNG Mother Station, CNG On-Line Station and CNG Daughter Station shall be designed, operated and maintained in line with the requirements of the Chief Controller of Explosives as detailed in the Gas Cylinder Rules, 2004 as modified or amended from time to time. This includes compression, handling and transportation activities of compressed natural gas.
- (e) These regulations also cover safety aspects of operation and maintenance of CGD network and the requirements covered herein these regulations are meant to supplement the safety requirements already covered under ASME B 31.8.

5. Intent.

- (a) It is intended to apply these regulations to all new and such aspects of already existing networks as design, fabrication, installation, testing at the time of construction and commissioning. However, if an entity has laid, built, constructed or expanded the CGD infrastructure based on some other standard or is not meeting the standards specified in these regulations, the entity needs to carry out a detailed technical audit of its infrastructure through a Board authorized or approved third party agency by the Board. The entity thereafter shall submit the recommendations made by the third party along-with its time-based mitigation plan and implementation schedule to the Board for authorization within six months from the date of notification of these regulations.
- (b) The continuation of operation of existing CGD network shall be allowed only if it meets the following requirements, namely:-

- (i) The CGD system downstream of city gate station shall have been tested initially at the time of commissioning in accordance with ASME B 31.8 Chapter IV (with minimum test pressure of 1.4 times of MAOP for steel network and 1.4 time MAOP or 50 PSI whichever is higher for PE network). The entity should have proper records of the same. Such test record shall have been valid for the current operation. Alternatively, if such a record is not available, the entity should produce in service test record of the CGD network having tested at a pressure of 1.1 time of MAOP as per ASME B 31.8;
- (ii) The CGD system has leak detection system in position and is operative. For pipeline network it shall be odourisation based and for enclosures such as CGS, above ground DPRS, it shall be gas leak detection based.
- (iii) The CGD system has in position necessary pressure relief valves; and
- (iv) There shall be protection of the system against third party damages both in respect to steel pipe, PE pipe and copper tubing.

Provided that-

- (a) The entity shall submit self-certification in support of meeting the above requirements within a month of notification of these regulations and in addition the certification by the approved or authorised third party shall be made available to the Board within six months of notification;
- (b) Certifications referred to in para (a) shall be done both for operation and maintenance and infrastructure of the entity and shall be submitted to the Board with mitigation plan and implementation schedule;
- (c) The critical components of the system as identified by the Board for such existing networks shall be complied with these regulations within a period specified at Appendix-I and the authorized entity shall maintain the integrity of the existing system at all times; and
- (d) Provisions of these regulations related to operation and maintenance procedures shall also be applicable to all such existing installations.

6. The standard.

Technical standards and specifications including safety standards (hereinafter referred to as standards) for city or local natural gas distribution networks are as specified in Schedule-I which cover material and equipment (Schedule-1A), welding (Schedule-1B), piping system components and fabrication (Schedule-1C), design, installation and testing (Schedule-1D), operating and maintenance procedures (Schedule-1E), corrosion control (Schedule-1F) and miscellaneous (Schedule-1G).

7. Default and consequences.

- (1) There shall be a system for ensuring compliance to the provision of these regulations through conduct of technical and safety audits during the construction, commissioning and operation phase, as well as on an on-going basis as may be specified from time to time.
- (2) The Board shall monitor the compliance to Technical Standards and Specifications

including Safety Standards either directly or by accredited third party through separate regulations on third party conformity assessment.

(3) In case of any deviation or shortfall, in achieving the targets for implementing the specified standards, the entities shall be liable to face the following consequences, namely:-

- (i) in case of critical activities at Appendix-I, the entity shall be given a single notice by the Board specifying the time limit to remove the specified shortcoming and ensure compliance and if the entity fails to comply within the specified time limit, immediate suspension or termination, as deemed appropriate, of authorization shall be done;
- (ii) in other cases, the Board may issue a notice to defaulting entity allowing it a reasonable time to remove the specified short coming and ensure compliance and in case the entity fails to comply within the specified time or in case the entity defaults on more than three occasions, its authorization to lay, built, operate or expand the CGD network shall be liable for suspension or termination apart from taking legal action under the provision of the Act and regulations thereunder.

8. Requirements under other statutes.

It shall be necessary to comply with all statutory rules, regulations and Acts in force as applicable and requisite approvals shall be obtained from the relevant competent authorities for the CGD network.

9. Miscellaneous.

- (1) These standards are intended to ensure uniform application of design principles and to guide selection and application of materials and components. Though the standard primarily focuses on safety of employees, public and facilities associated with city or local natural gas distribution networks, it does not eliminate the need for a competent designer and good engineering judgment.
- (2) If any dispute arises with regards to the interpretation of any of the provisions of these regulations, the decision of the Board shall be final. Further, the Board may at any time effect appropriate modifications in these regulations.

APPENDIX-I

**LIST OF CRITICAL ACTIVITIES
In CGD NETWORK
{See regulation 7(3) (i)}**

Sr. No.	Critical infrastructure/ activity/ processes	Time period for implementation	Implementation plan
1	Pressure reduction skid CGS (active / monitor combination) with a minimum 50% redundancy including slam shut valve for over pressure protection and creep relief valves.	1 year	Modification of CGS skid
2	On line odorisation equipment designed to minimize fugitive emissions during loading, operation and maintenance.	1 year	Automated odorisation systems to be used
3	Height of the vent shall be minimum 3 meters above working level	6 months	Increase height of vent
4	Gas detectors shall be installed at critical locations	1 year	Install gas detectors in the CGS and District Pressure Regulating Station.
5	Pressure reduction for DRS (active / monitor combination) skid with minimum 50% redundancy including two safety devices at least one of them shall be a slam shut valve for over pressure protection/under-pressure and inlet and outlet isolation valves.	2 years	Modification/ replacement
6	Steel reinforced rubber hose conforming to IS 9573 Type IV	6 months *	Replacement of all rubber hoses @ fifty thousand per year
7	Pipeline test record and joint radiography and cover in the form of pipe book	3 months	Can be submitted in stages
8	HSSE Management System	6 months	To be implemented
9	Emergency Response Plan, Disaster Management Plan and written emergency procedures. Also, provide for an Emergency Control Room, manned round the clock and equipped with effective communication system and emergency vehicles fitted with communication facilities, first aid equipment, fire extinguishers, gas detectors, repair kits and tools, maps, plans, material safety data sheets etc. at its disposal.	6 months	To be implemented

* commencement of implementation

Schedule – I
(See regulation 6)

**Technical Standards and Specifications
including Safety Standards
for
City or Local Natural Gas Distribution Network**

Schedule – 1A MATERIALS AND EQUIPMENT

Schedule - 1B WELDING

**Schedule – 1C PIPING SYSTEM COMPONENTS
AND FABRICATION DETAILS**

**Schedule – 1D DESIGN, INSTALLATION AND
TESTING**

**Schedule – 1E OPERATING AND MAINTENANCE
PROCEDURES**

Schedule – 1F CORROSION CONTROL

Schedule – 1G MISCELLANEOUS

Schedule – 1A**MATERIALS AND EQUIPMENT****MATERIALS AND EQUIPMENT**

All materials and equipment forming a permanent part of the any piping system constructed according to this standard shall be qualified for conditions in which it is to be used.

MATERIALS FOR USE IN COLD CLIMATES

Materials to be used in facilities exposed to low ground or low atmospheric temperatures or low operating temperatures shall have adequate impact properties to prevent brittle fracture at low temperatures.

MATERIAL SPECIFICATIONS

In addition to standards and specifications covered in ASME B 31.8, standards and specifications listed in Annexure-I shall also be acceptable for manufacturing of various piping components forming part of the CGD network.

Steel Pipe

Carbon steel used in CGD networks shall meet following requirements:

Carbon Equivalent

For pipes having Carbon Content > 0.12%

$$CE(IIW) = C + \frac{Mn}{6} + \frac{Cr+Mo+V}{5} + \frac{Ni+Cu}{15}$$

CE (iiw) value shall be $\leq 0.43\%$.

For pipes having Carbon Content $\leq 0.12\%$

$$CE(Pcm) = C + \frac{Si}{30} + \frac{Mn}{20} + \frac{Cu}{20} + \frac{Ni}{60} + \frac{Cr}{20} + \frac{Mo}{15} + \frac{V}{10} + 5B$$

CE (Pcm) value shall be $\leq 0.25\%$.

Notch Toughness

For carbon steel pipes of size NPS 2 and above, notch toughness shall be specified.

Electric welded pipes used shall also meet additional requirements specified under Annexure-III of this standard.

Ductile Iron Pipe

Use of ductile iron pipe is not permitted for CGD networks for transport of natural gas.

Plastic Pipe and Components

Thermoplastic pipes, tubes and fittings are recommended for use in city gas distribution networks.

Polyethylene (PE) pipes conforming to IS 14885 or ISO 4437, and PE fittings conforming to ISO 8085 Part 3 shall be acceptable.

Reprocessed material shall not be used.

Colour of pipes used for gas service shall be yellow for PE 80 grade and Orange for PE 100 grade.

PE pipes shall be permanently marked (either impressed or embossed to a depth / height of 0.02 to 0.15 mm).

Pipes and tubing for above ground service lines up to meter set assembly

Galvanized Iron (GI) pipes shall be used in above ground service lines up to consumer meter or meter control valve. The use of copper tubing shall only be after consumer meter such that this is not accessible to third party. GI pipes and copper tubing shall conform to the requirements given in Annexure-IV of this standard. Use of

non-galvanised pipes should be restricted as far as possible; however, in case they are used they shall be properly protected and painted.

PE pipe shall not be used for above ground gas pipes.

Tubing / Hose pipe for connecting consumer meter set assembly and consumer appliance

The connection between consumer meter set assembly and gas appliance (provided by consumer) may be made by GI pipes or copper tubing meeting requirements given in Annexure-IV of this standard or steel reinforced rubber hose.

Steel reinforced rubber hose shall conform to IS: 9573 Type IV.

EQUIPMENT SPECIFICATIONS

Equipment used in CGD network manufactured to standards listed in

Annexure-II of this standard shall also be acceptable.

CONDITIONS FOR REUSE OF PIPE

Reuse of Ductile Iron Pipes

Reuse of ductile iron pipes is not permitted.

Reuse of Plastic Piping

Reuse of plastic pipes is permitted subject to the following.

- a. Its original and manufacturing specifications are known and documented.
- b. It meets the requirements of new pipes conforming to its manufacturing specifications.
- c. The pipe is free from visible defects.
- d. It is installed and tested in accordance with requirements of this standard. All testing shall be carried out at recognized independent laboratory and records of the same are maintained.

Schedule – 1B

WELDING

GENERAL

These requirements apply to steel pipe and components only.

Notches or laminations on pipe ends are not permitted and must be removed by cutting the pipe as a cylinder and re-beveling of pipe end prior to welding.

QUALIFICATION AND PROCEDURES OF WELDERS

Welding procedures and welders for welding of gas pipelines shall be qualified as per API 1104 and shall include toughness testing requirements as applicable for the line pipe.

INSPECTION OF WELDS

All Non Destructive Testing (NDT) including radiographic examination shall be performed in accordance with the requirements of API 1104 except that no root crack shall be permitted.

Regardless of operating hoop stress as well as location class all carbon steel butt welds shall be 100% radiographed. In case radiography is not possible due to safety reasons, weld shall be examined by using ultra sonic techniques.

REPAIR OR REMOVAL OF DEFECTIVE WELDS

Welding procedures and welders, for station piping shall be qualified as per ASME Boiler and Pressure Vessel (BPV) Code Section IX or API 1104.

When welders qualified under API 1104 are employed for station piping, their qualification shall be based on destructive mechanical testing as per API 1104.

Welds having defects shall be removed or repaired in accordance with API 1104 or ASME BPV code Section IX as applicable. Welders employed for repairs shall be qualified in accordance with "Qualification and Procedures of Welders".

Weld repair areas shall be subjected to additional radiography or ultrasonic testing after repair.

Schedule – 1C

PIPING SYSTEM COMPONENTS AND FABRICATION DETAILS

PIPING SYSTEM COMPONENTS

General

In addition to standards and specifications covered under ASME B 31.8 for various piping components, piping components manufactured conforming to standards and specifications listed under Annexure-I of this standard shall also be acceptable.

Valves and Pressure Reducing Devices

Valves body, bonnet, cover and/or end flanges components made of cast iron and / ductile iron (as per ASTM A 395) shall not be used in CGD networks.

Valves used in service lines of size NPS 2 and below shall conform to BS EN 331.

Flanges

Flanges made of cast iron, ductile iron and non-ferrous materials (brass or bronze) shall not be used in CGD networks.

Use of flanges in natural gas transmission and distribution piping is not permitted except for station piping e.g. CGS, DRS, MRS etc.

Fittings other than Valves and Flanges

Fittings made of cast iron and ductile iron shall not be used in CGD networks.

All plastic fittings used in CGD networks must have been type tested by an internationally recognized testing agency prior to their use.

Thermoplastic / thermosetting fittings shall not be used in above ground piping system. Thermoplastic fittings conforming to ISO 8085 Part 3 shall be acceptable and shall meet following requirements:

- a. Polyethylene resin used for manufacture of thermoplastic fittings shall be virgin, cadmium free pigmented compound. Anti-oxidant and UV stabilizers used in PE resin shall not exceed 0.3 and 0.5 percent respectively. Reprocessed material shall not be used.
- b. Grade of PE compound used for the fittings should not be less than that of PE pipes. In case fittings are of different grade than that of pipes, compatibility of the same with pipes shall be established prior to their use. However, in case of higher grade fittings separate compatibility test shall not be required. Heating element shall

For piping class 150 or above all the flanges shall be with raised face.

Bolting

All stud bolts and nuts used in CGD networks shall be hot dipped galvanized as per ASTM A 153 or equivalent.

of the body of the fitting and for size above 63 mm external alignment clamp shall be used.

- f. Each Electro Fusion fitting shall be bar coded. Fusion fittings shall have permanent fusion/indicator or a data card conforming to ISO-7810/ISO-7811.
- g. The fusion jointing shall be carried out as per the procedure outlined in the standard DVS 2202 or equivalent.
- h. Carbon steel part of transition fittings used for connecting PE system with Carbon Steel system may have butt weld/plain/flanged ends.

Special Fittings

Mechanical fittings for making hot taps on pipelines and mains shall not be used. Fittings for hot taps shall be welded type (for steel pipelines and mains) and electro fusion type (for thermoplastic mains and service lines).

not be exposed and all coils are embedded into the body of the fittings.

- c. Colour of fittings shall be yellow or black.
- d. Electro-fusion fittings complying with ISO 8085 Part 3 / EN- 1555 -3 shall be used for all sizes of PE pipes. Fittings fabricated from pipe shall not be used. Only injection moulded fittings are recommended.
- e. For fusion fitting upto 63 mm, pipe fixation device shall be an integral part

EXPANSION AND FLEXIBILITY

Flexibility Requirements

When maximum gas temperature expected during operation is below 65°C, thermal expansion and stresses in the above ground steel piping shall be evaluated considering pipe temperature of 65°C.

Schedule – 1D**DESIGN, INSTALLATION AND TESTING****DESIGN INSTALLATION AND TESTING****General Provisions**

The selection of design for city gas distribution network shall be based on the gas properties, required flow rates, operating pressures and the environment.

CGD network Description

A typical CGD Network should comprise of one or more or all of the following:

i) *Primary network: A medium Pressure Distribution System comprising of Pipelines, Gas Mains or Distribution Mains normally constructed using steel pipes and connects one or more Transmission Pipeline to respective CGS or one or more CGS to one or more DPRS. The maximum velocity in the pipeline network should be limited to 100 ft / sec (30 m/sec) immediately after pressure regulating instrument.*

As far as practical, primary network should be fed through more than one city gate stations / sources of supply. The operating pressure shall be as defined under General Terms.

ii) *Secondary Network: A low Pressure Distribution System comprising of Gas Mains or Distribution Mains usually constructed using thermoplastic piping (MDPE) and connects DPRS to various service regulators at commercial, industrial, and domestic consumers. The network shall be sized for maximum flow velocity of 100 ft / sec (30 m/sec).*

iii) *Tertiary Network: A service Pressure Distribution System comprising of Service Lines, Service Regulators and customer/ consumer Meter Set Assemblies constructed using a combination of*

thermoplastic (MDPE) piping and GI/ copper tubing components.

[Note: For italicized terms used in description of above networks, definitions as per ASME B 31.8 shall apply]

iv) *City gate station (CGS): typically comprising of, but not limited to, the following facilities:*

- Filters
- Separators (if required).
- Metering facilities.
- Heater (if required)
- Pressure reduction skid comprising active and monitor combination with a minimum 50% redundancy with stream, discrimination arrangement, including slam shut valve for over and under pressure protection and creep relief valves (stream redundancy shall not be less than 2+1).
- Online odorization equipment designed to minimize fugitive emissions during loading, operation and maintenance.

v) *Distribution Pressure Regulating Station or District Regulating Station (DPRS): Located at various demand centers for domestic / commercial users typically consists of:*

- Gas filter
- Heater (if required)
- Pressure reduction skid comprising active and monitor combination with minimum 50% redundancy with stream discrimination arrangement, including slam shut valve for over and under pressure protection with additional feature of under pressure protection if required (stream redundancy shall not be less than 2+1).
- Inlet and outlet isolation valves.

vi) *Individual Pressure Regulating Station (IPRS)*: Located at the premises of an individual customer and having facilities similar to DPRS however, monitor regulator may or may not be provided. Metering facilities may or may not be part of this station.

vii) *Service Regulators*: Usually located at customer premises for maintaining supply pressure and designed to maintain safe condition even in the event of rupture in the regulator downstream section.

Network Design Requirements

The design of CGD Networks and its components shall be such that it ensures:

- Supply of gas at constant volume into a system, which fluctuates in pressure between pre-determined upper and lower limits in the distribution network, or
- Supply of gas at a constant pressure at consumer end, and
- The design should recognize the need for safe guard against malfunction of any equipment and provide sufficient redundancy to ensure that the supply is secured against such malfunctions.

Facilities forming part of CGD networks shall be designed considering:

- Range of flow rates and pressures required in various sections of the network
- Quality of gas, including cleanliness in respect of both solid and liquid particles.
- Metering requirements.
- Noise control and
- Corrosion Protection

Necessary calculations shall be carried out to verify structural integrity and stability of the pipeline for the combined effect of pressure, temperature, bending, soil/pipe interaction, external loads and other environmental parameters as applicable, during all phases of work from installation to operation. Such calculations shall include, but not limited to, the following:

- Buoyancy control and stability of pipeline in areas subjected to flooding / submergence,
- River crossing to be installed by trench less techniques, wherever soil data is favorable for such installations,
- Damage potential for steel pipeline from hazards associated with earthquake, if applicable.

Layout of Station Facilities

The following aspects are to be considered in deciding layout of facilities at CGS, DPRS, IPRS, etc.

- i. Type and size of equipment.
- ii. P&IDs
- iii. Utility requirement.
- iv. Venting wherever required.
- v. Operation and Maintenance philosophy.

(a) City Gate Station

As far as possible the city gate station (CGS) shall be installed at the periphery of populated area. The entity should make best endeavor to have more than one CGS for supply security.

Inter distance between various facilities required at CGS shall be as per Table - 1.

Table - 1 : Inter-distance between Facilities at CGS							
Sr. No.	From / To	1	2	3	4	5	6
1	Compound Wall	-	6	6	6	6	6
2	Control Room / Office Building / Store	6	-	12	12	2	15
3	Pressure Regulation and / or Metering	6	12	-	2	12	15
4	Odorant System	6	12	2	-	12	15
5	Electrical Sub Station	-	2	12	12	-	15
6	Gas heaters fired	6	15	15	15	15	-

Notes :

1. All distances are in meters. All distances shall be measured between the nearest points on the perimeter of each facility.
2. For all the distance from the compound wall, the distance mentioned in this table and the local byelaws, whichever is higher is to be considered.

As per State Electricity Board recommendations.

Properly laid out roads around various facilities shall be provided within the installation area for smooth vehicular access.

Facility shall be provided with proper boundary wall / fencing with gate(s) in line with MHA (Ministry of Home Affairs) guidelines.

Buried piping inside the CGS area shall have a minimum depth of cover of 1.2 m. Where buried pipes come out of the ground, the underground coating on the pipe will continue for a length of at least 300 mm above ground.

Platforms and crossovers shall be provided for ease of operation and maintenance of equipment and piping where required.

Provision should be made for venting, purging and draining all sections of pipe work and equipment that may have to be isolated during construction or maintenance.

All vents shall be routed to a safe area and in a manner that gas vented out is blown away from the nearest building. Height of vent shall be minimum three (3) meters above working level. Distance between vent and boundary wall / fence shall be minimum five (5) meters.

Gas detectors shall be installed at strategic locations covering to detect any gas leakage.

In case fired gas heaters are installed for heating of gas, all other facilities handling gas should be located down wind from heaters.

(b) Distribution Pressure Regulating Station (DPRS) and Individual Pressure Regulating Station (IPRS)

DPRS facilities can be located above ground or below ground.

In case DPRS is located below ground, the facilities shall either be inside a enclosed chamber with a provisions for entry of authorized personnel or be a buried hermetically sealed module type with proper cathodic protection.

For below ground installations, the vent line shall be terminated at a minimum height of three (3) meters above the ground level.

IPRS shall normally be located above ground.

DPRS/IPRS installed above ground shall be provided with proper security fencing as per requirement of local authorities. The distance between fencing and the wall of nearest building / structure shall not be less than two (2) meters.

[NOTES:

- i. The consumer, shall be responsible for ensuring the separation distances for customer owned IPRS
- ii. Customer shall ensure that IPRS installation has been independently approved by certified third party agency before the entity supplies the gas.
- iii. The consumer shall ensure recertification once in 3 years.

Requirements for Electrical Installations in CGD Network

All electrical equipment / installations shall meet following requirements:

- Electrical area classification of Installation, as basis for selection of Electrical Equipment, shall follow IS-5572.
- The specification of Electrical equipments shall be in line with IS - 5571, "Guide for selection of Electrical Equipment for Hazardous Area".

- Fire protection in Electrical installations shall be provided as per requirements specified in this standard.
- All electrical equipment, systems, structures and fencing, etc. shall be suitably earthed in accordance with IS 3043. The earthing system shall have an earthing network grid with required number of electrodes. All Electrical equipment operating above 250 volts shall have two separate and distinct connections to earth grids. Separate earthing grid shall be provided for instrument and electrical power.
- Lightning protection shall be provided as per the requirements of IS:2309. Self conducting structures having metal thickness of more than 4.8mm may not require lightning protection with aerial rod and down conductors. They shall, however, be connected to the earthing system, at least, at two points at the base.

Instrument and Control System

Instrumentation and control system for the CGD networks, shall in general meet the requirement of API Standards: API-RP-551, 552, 553, 554, 555 and 556 "Manual on Installation of Refinery Instruments and Control Systems" to the extent applicable.

Buildings Intended for Human Occupancy and Location Classes for Design and Construction

For the purpose of determining number of buildings for human occupancy and Location Classes, 1 - mile distance shall be replaced by 1600 m and fractions thereof.

In case of cluster of buildings, Location Class 2 or Location Class 3 may be terminated a distance of 200 m from the nearest building in the cluster.

Location Class 2 or 3 shall be terminated at least 200 m from the end dwelling i.e.

dwelling located at the boundary of the Location Class 2 or 3 as the case may be.

When presence of multi-story buildings alone result in Location Class 4, the Location Class 4 ends 200 m from the nearest building with 4 or more stories above ground.

This standard does not allow Design of pipelines and piping as per Location Class 1, Location Class 2 and Location class 3.

Location Class 1, 2 and 3 shall be used only for re-certification of existing Installations and facilities, which were laid/built/constructed before the date of notification of these regulations.

STEEL PIPE

Additional Requirement for Nominal Wall Thickness

Consideration shall also be given to loading due to following while selecting nominal wall thickness t as per ASME B 31.8 as appropriate:

- Overburden loads
- Dynamic and seismic loads
- Cyclic and vibratory loads
- Internal pressure fluctuations
- Geo-technical loads (including slides, differential settlement of piping, loss of support, and thermal effect of the pipeline on soil properties).

In any case minimum thickness of pipe permitted as per this standard shall not be less than 6.4mm, irrespective of the grade of the pipe material.

In all existing cases where thickness of pipe is less than 6.4 mm, Quantitative Risk Assessment shall be carried out and the risk level shall be reduced to ALARP (As low as reasonably possible).

Design Factors F and Location Classes

Design factor corresponding to Location Class 4 shall only be used.

All exceptions to basic design factors to be used in design formula shall be as per Table – 2 of this standard.

Pipelines or Mains on Bridges

Pipeline on bridges should be avoided. Under unavoidable conditions, pipeline installed on railroad, vehicular, pedestrian, or other pipeline bridges, a design factor of 0.40 shall be used for Location Class 4.

In cities where crossing the river through HDD crossing is not possible, pipeline laying on river bridges is permitted.

Metering Facilities

Upstream dry gas filter(s) shall be installed when rotary or turbine meters are used.

Pressure / Flow Control Facilities

(a) Protection against over pressure of pipeline or mains downstream of city gate station (CGS) shall be provided as follows:

(1) The provision of *Active / Monitor Regulator System* (i.e. monitor regulator in series with a controlling (active) regulator) shall be the principal method of controlling pressure.

[Note : To avoid problems associated with a regulator being at rest for prolonged periods it is recommended that the monitor regulator is so impulsed that it can also operate as a first stage regulator.]

(2) Adequately sized pressure relief valve(s) could be used for overpressure protection downstream of controlling regulator(s) provided Quantitative Risk Assessment is made for environmental hazards (fire / explosions) associated with large release of gas volume of gas release and the risks are found within acceptable level.

Pressure relief valve(s) should be carefully sized to meet their required duty and to minimize the volume of gas released. The speed of relief valve opening should be adequate and they should re-seat cleanly when normal pressures are restored. The relief valve should be installed and provided

with test connections in the impulse pipe work in such a way as to enable them to be set up and tested in-situ.

(3) Over pressure shut-off valve(s) or Slam-Shut Valve(s) upstream of the controlling regulators are preferred as overpressure protective devices instead of pressure relief valves. Being ultimate overpressure protection for the pipeline system, it is essential that the Slam-Shut valves are fast closing, highly reliable and secure valve.

(b) The isolation valve of the sensing lines of regulators and slam shut valves should have provision for locking in open position.

(c) Additionally suitable gas heaters upstream of regulators / control valves/ pressure reduction system should be provided in case after pressure let down operating conditions would result in low temperatures beyond design conditions of downstream facilities.

(d) Sound pressure levels shall be limited to the values prescribed by Environmental Authorities but in no case it shall exceed 110dbA.

Table 2 - Design Factors for Steel Pipe Construction

Facility	Location Class			
	1*	2*	3*	4
Pipelines	0.72	0.60	0.50	0.40
Crossings of roads, without casing:				
(a) Private roads	0.72	0.60	0.50	0.40
(b) Unimproved public roads	0.60	0.60	0.50	0.40
(c) Roads, highways, or public streets, with hard surface	0.60	0.50	0.50	0.40
Crossings of roads, with casing:				
(a) Private roads	0.72	0.60	0.50	0.40
(b) Unimproved public roads	0.72	0.60	0.50	0.40
(c) Roads, highways, or public streets, with hard surface and Railway crossings	0.72	0.60	0.50	0.40
Pipelines on bridges	0.60	0.60	0.50	0.40
Parallel Encroachment of pipeline on roads and railways				
(a) Private roads	0.72	0.60	0.50	0.40
(b) Unimproved public roads	0.72	0.60	0.50	0.40
(c) Roads, highways, or public streets, with hard surface and Railway crossings	0.60	0.60	0.50	0.40
Pipeline on bridges	0.50	0.50	0.50	0.40
River Crossing- open cut ⁽¹⁾	0.72	0.60	0.50	0.40
Horizontal Direction Drilling (HDD) ⁽¹⁾	0.72	0.60	0.50	0.40
Compressor station piping	0.50	0.50	0.50	0.40
Fabricated assemblies (scraper traps, SV stations, pressure/flow control and metering facilities, etc.) ⁽²⁾	0.60	0.60	0.50	0.40
Near concentration of people in Location Classes 1 and 2 ⁽³⁾	0.50	0.50	0.50	0.40

Notes:

- 1 Higher thickness may be used if required to control stresses or stability during installation and operation.
- 2 Thicker pipe in Location Class 1 is required throughout the assembly and for a distance equal to lesser of 5 diameters or 10 ft in each direction beyond the last fitting.
- 3 Near concentration in Location Class 1 and 2 means places of public assembly (school, temple, church, hospital, club, markets places etc.) used by 20 or more people frequently.

* Location Class 1, 2 & 3 shall be used for the purpose of recertification of Existing Installations only.

(e) Gas velocities in piping up to 20 m/sec before filter and 40 m/sec (120 ft / sec) after filter, at peak flow conditions, may be permitted provided care is taken to ensure that allowable sound pressure values are not exceeded and materials selected are suitable to prevent erosion at such high velocities.

However, the gas velocity shall not cross the recommended velocity given by the Original Equipment Manufacturer for the equipments used in the PRI.

(f) Gas filtration facilities with 100% redundancy shall be provided to avoid damage to instrumentation and other facilities.

(g) Immediately downstream of regulators or control valves, use of conical reducers is recommended.

(h) In order to prevent over pressurization of piping downstream of regulators / control valves, creep relief valve should be provided, if required.

(i) For isolation of the CGS during emergency, quick closing valve (with remote operation facility in case of unmanned station) shall be installed at the inlet of CGS.

Protection of pipelines and mains from hazards

When steel pipelines or mains are installed in areas that are normally under water, anti-buoyancy measures adopted shall be such that specific gravity of resulting installation is 1.10 or more.

Pipelines and mains installed on bridges and other locations where they are exposed to accidental damages due to vehicular traffic, suitable barricades / crash guards shall be installed for their protection.

The pipeline in close proximity to unstable structures, landfill sites or where construction could lead to damage to pipeline, should be avoided.

Pipelines and mains installed in the areas

normally under water or subject to flooding (i.e. lakes, bays, or swamps etc.) shall be provided with addition anti-buoyancy measures such as concrete weight coating, geo-textile bags filled with graded stones or anchorages, etc. to prevent floatation. Minimum specific gravity of installation shall be 1.2 after providing anti-buoyancy measures.

Cover, Clearance and Casing Requirements for Buried Steel Pipelines and Mains

Minimum depth of cover for buried steel pipelines shall be as per the table given below:

Table - 3 : Minimum Cover Requirements for Steel Pipelines	
Location	Min. Cover ^[1] (m)
Normal / rocky terrain	1.0
Minor river / unlined canal / nala crossings, tidal areas and other watercourses ^[2]	1.5
Major river crossings ^[2]	2.5
Rivers with rocky bed	1.5
Lined canals / drains / nalas etc.	1.5
Drainage ditches at roadways and railroads	1.0
Rocky Areas	1.0
Cased / uncased road crossings ^[3]	1.2
Cased railroad crossings ^[3]	1.7

NOTES:

1. Cover shall be measured from the top of coated pipe to the top of the undisturbed surface of soil or the top of graded working strip, whichever is lower. The fill material in the working strip shall not be considered in the depth of cover.
2. For river / watercourses that are prone to scour and / or erosion, the specified cover shall be measured from the expected lowest bed profile after scouring / erosion. Where scour level cannot be established, an additional cover of minimum 1 meter shall be provided from the existing bed of the river/water course.
3. The cover shall be measured from the top of road or top of rail, as the case may be.

Whenever the above provisions of cover cannot be provided due to site constraints, additional protection in form of casing/ concreting etc. shall be provided.

Clearance between Pipelines or Mains and other underground structures

(a) When a buried steel pipeline or main has to cross any existing underground pipeline, cable, drain or other services, the pipeline shall be laid at least 300 mm below from such services.

(b) When laid parallel to any existing underground cable, drain or other utilities, the pipeline or main shall be laid with a clear distance of at least 300 mm from existing utility.

(c) As far as practical, a minimum separation of three (3) meter should be maintained between the steel pipeline or main and footing of transmission tower.

(d) A clearance sufficiently large to avoid electrical fault current interference shall be maintained between the pipeline and the grounding facilities of electrical transmission lines.

(e) Clear distance between new steel pipeline or main running parallel to existing pipeline should be minimum 5.0 meters when heavy conventional construction equipment is expected to be utilized. This distance may be reduced, after careful assessment of construction methodologies, to three (3) meters, provided it does not result in unsafe conditions during construction. Existing pipeline should be clearly marked on the ground during construction. Bi-language (local language and Hindi / English) caution signs should be installed while working in such areas.

(f) While laying more than one new hydrocarbon pipelines or mains in the same trench, clear separation of minimum 500 mm shall be maintained between adjacent pipelines.

(g) No steel pipeline or main should be located within three (3) meters of any habitable dwelling or any industrial

building unless it is provided with at least 300 mm of cover over and above minimum cover specified under Table - 3 above or special protective measures such as concrete slab, steel casing are provided.

Casing Requirements under Railroads, Highways, Roads or Streets

Steel casing at road/railway crossings, when provided to meet statutory requirements, shall be designed in accordance with API 1102. Casing pipe diameter shall be minimum two pipe sizes bigger than carrier pipe. In case of PE, the casing can be RCC pipe of min NP3 class.

Bends, Elbows and Miters in Steel Pipelines and Mains

Miters bends and wrinkle bends are not permitted in pipelines and mains used in CGD networks regardless of operating hoop stress.

Cold field bend radius for pipes of size NPS 20 and larger shall be minimum 40 times the pipe diameter.

As far as possible use of short radius elbows should be avoided.

Hot Taps

Split tees designed to fully encircle the pipe shall be used for making hot taps. The split Tees shall be designed considering a minimum design factor $F = 0.40$.

However, in case of Hot taps of size upto $1/4^{\text{th}}$ of the nominal bore of the main pipeline, use of weldolets is permitted in place of split tees.

Full bore ball valve shall be used when making branch connections using hot taps.

Recommendations as per API RP 2201 - Recommended Practice for Safe Hot Tapping Practices in the Petroleum and Petrochemicals Industry shall be followed while carrying out hot tapping works.

Where it is not possible to maintain the clearances, cover, vent locations etc. mentioned in this standard, the entity shall carryout special design and construction methodologies through experienced personnel/consultant and seek clearance from the Board.

Testing after Construction

General Provisions

Proper communication facilities shall also be arranged for during testing.

Testing equipments / instruments shall be properly inspected and shall have valid calibration certificates before they are used for testing.

Test Required to Prove Strength of Pipelines and Mains to operate at Hoop Stresses of 30% or more of Specified Minimum Yield Strength of Pipe

All buried steel pipelines and mains shall be pressure tested after installation using water as a test medium. Minimum test pressure shall be equal to 1.4 times *Maximum Allowable Operating Pressure*.

Test procedure as per ASME B 31.8 Appendix N "Recommended Practice for Hydrostatic Testing of Pipelines in Place" shall be followed.

Hold-up time for the pressure testing shall be minimum 24 hours for underground and four hour aboveground pipeline.

Safety During Tests

Relevant Warning Signs shall be displayed at the test area.

The test area shall be properly cordoned to prevent any accidents.

A proper Emergency Response Plan shall be in place and emergency contact numbers of relevant agencies should be visible.

Commissioning of Facilities

Appropriate Work Permit should be issued based on the kind of activity.

Fire fighting equipments should be available during commissioning.

Proper communication facilities should also be arranged for.

A proper Emergency Response Plan should be in place and emergency contact numbers of relevant agencies should be available.

OTHER MATERIALS

Ductile Iron Piping System Requirements

Use of ductile iron piping is not permitted for CGD networks as per this standard.

Design of Plastic Piping

Plastic pipe shall not be used for *Pipeline and Distribution Mains* operating at pressure in excess of 100 psig.

Use of thermosetting plastic piping is not permitted as per this standard.

Plastic Pipe and Tubing Design Formula

Nominal wall thickness of plastic pipe shall be calculated as per following formula:

$$P = 2S * (t / (D-t)) * 0.32$$

Where

- D = Specified outside diameter in mm
- P = Design pressure in psig
- t = Nominal wall thickness in mm
- S = Long term hydrostatic strength in barg (psig) determined in accordance with applicable pipe specification at temperature equal to 73°F, 100°F or 120°F.

Thermoplastic Design Limitations

The design pressure shall not exceed 100 psig (7 bar).

Thermoplastic pipe, tubing and fittings shall not be used where operating temperature of the materials will be:

- 1) Below 32°F (0 degree centigrade) or
- 2) Above 120°F (50 degree centigrade) or temperature at which long term hydrostatic strength used in design formula in para 842.31 of ASME B 31.8 is determined, (whichever is lower).

Minimum thickness shall not be less than 2.3 mm.

Pipe wall thickness selected shall be such that it corresponds to Standard Dimension Ratio indicated in Table – 4 below. Pipes with non standard SDR should not be used.

Table 4 - Wall Thickness and Standard Dimension Ratio for Thermoplastic pipes				
Nominal Outside Diameter in mm	Minimum wall thickness in mm for Standard Dimension Ratio, SDR			
D	17.6	13.6	11	9
16	2.3	2.3	2.3	2.3
20	2.3	2.3	2.3	2.3
25	2.3	2.3	3.0	3.0
32	2.3	2.3	3.0	3.6
40	2.3	3.0	3.7	4.5
50	2.9	3.7	4.6	5.6
63	3.6	4.7	5.8	7.1
75	4.3	5.5	6.8	8.4
90	5.2	6.6	8.2	10.1
110	6.3	8.1	10.0	12.3
125	7.1	9.2	11.4	14.0
140	8.0	10.3	12.7	15.7
160	9.1	11.8	14.6	17.9
180	10.3	13.3	16.4	20.1
200	11.4	14.7	18.2	22.4

Design Pressure of Plastic Fitting

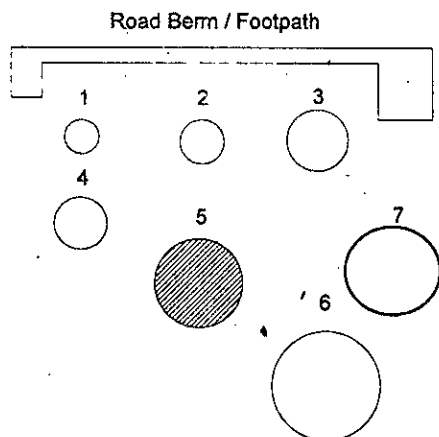
All fittings used shall be electro fusion type. Other types of fittings are not permitted. All PE fittings shall conform to ISO 8085 –Part 3. The wall thickness of the fittings shall be more or equal to the wall thickness of the pipe joined.

Protection from Hazards

In addition to requirements specified under Para titled *Protection of Pipelines and Mains from Hazards* in this standard, following additional requirements shall be complied with.

The relative position of CGD network with respect to other underground utilities shall be as given in Figure 1:

Where open cut techniques are used, a warning tape of Yellow colour shall be laid 200 mm above the pipe.



- 1 / 2 - Elec. Cable (Low Voltage)
 3 Telecom Cable
 4 Elec. Cable (High Voltage)
 5 Gas Pipeline
 6 Water Pipeline / sewage line
 7 Other hydrocarbon product pipelines

Figure 1 – Relative Position of Gas Pipeline and Distribution Mains

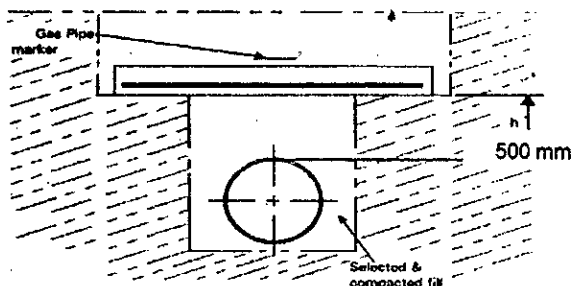


Figure 2 (a) - Concrete Slab

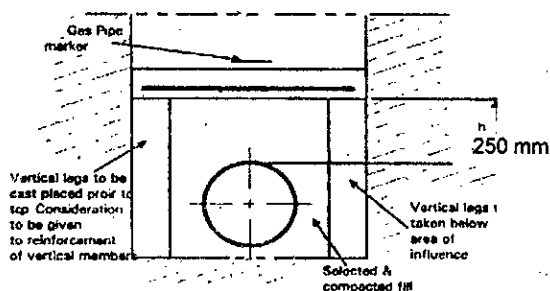


Figure 2 (b) - Concrete Slab with supports

When insisted by the authorities at identified locations, a layer of brick / concrete or impact resistant tape may be laid over pipeline as a protection against excavating machinery as indicated in the Figure – 2 (a) or (b).

Plastic Pipe and Tubing Joints and Connections

General Provisions

Threaded joints in plastic pipe are not permitted.

Plastic piping joints shall be made by Electro Fusion fittings only. Fusion fittings shall have inbuilt positioning provision upto 60 mm and beyond external clamp system. Jointing of plastic piping by butt fusion method, solvent cement method, adhesive method, heat fusion method or by means of compression couplings or flanges is not permitted. Recommendations of the fitting manufacturer shall be followed in this regard.

All electro fusion fittings shall be bar coded and the control unit shall be equipped with bar code reader to directly transfer fusion data to control unit. Bar coding shall be long lasting even when the joint is buried in corrosive soil, alternatively each fitting shall have a data card which can be read by the computer and thereafter the card is positioned with the joint.

Installation of Plastic Piping

Installation Provision

Use of thermoplastic piping in above ground piping is not permitted unless the piping is completely protected against deterioration (e.g. high temperature, ultra violet degradation) by corrosion protected metallic or reinforced concrete or Glass Reinforced Plastic (GRP) enclosure.

Direct Burial

Directly buried thermoplastic pipe shall have a minimum thickness of 2.3mm.

Trench width shall be at least 300 mm.

The bed of the trench shall be free of sharp objects, stones etc. In rocky areas trench shall be padded with soft soil or sand to minimum depth of 150 mm below the pipe.

Bends and Branches

Branch connections shall be made only by socket type electro fusion tees or electro fused Saddle connections.

Hot Taps

Use of special saddle or split tee type electro fusion fittings for hot tapping is permitted.

Testing Plastic Piping after Construction

General Provisions

Testing equipments / instruments shall be properly inspected and shall have valid calibration certificates before they are used for testing.

Proper communication facilities shall be available during testing.

Test Requirements

Thermoplastic piping shall not be tested at material temperature above 120°F (50 degree centigrade).

Test medium shall be air or nitrogen for test pressure up to 100 psig. For test pressure higher than 100 psig, water shall be used as test medium.

Test duration shall be minimum 24 hours for plastic distribution mains of length greater than 1 km and minimum 4 hours for length shorter than 1 km.

In case water is used as test medium, test duration shall start after achieving thermal stabilization.

Suitable relief valve set at 5% higher than test pressure shall be fitted at the test heads to avoid over pressurization during testing.

Test Requirements for DPRS and IPRS Piping

DPRS and IPRS piping shall be subjected to strength test and leak test, before commissioning, as given in table-5 below:

Table 5 – Testing Requirements for DPRS and IPRS Piping			
Design Pressure	Min. Test Pressure	Test medium	Min. Test Duration
Up to 138 mbarg (2 psig)	3.45 barg (50 psig)	Air	2 hours
From 138 mbarg to 4.14 barg (2 to 60 psig)	1.5 times Design Pressure	Air	2 hours
Above 4.14 barg (60 psig)	1.5 times Design Pressure	water	2 hours

Acceptance criteria shall be no pressure loss after accounting for temperature variation.

Safety During Testing

Relevant Warning Signs shall be displayed along the test section.

The test area should be properly cordoned to prevent any accidents.

A proper Emergency Response Plan shall be in place and emergency contact numbers of relevant agencies should be available.

CONTROL AND LIMITING OF GAS PRESSURE

Control and Limiting of Gas Pressure in High Pressure Steel, Ductile iron, Cast Iron or Plastic Distribution system

Use of automatic shut-off device (slam shut valves) as a means of accidental over-pressure of high pressure distribution system is preferred over pressure relief

valves or weight-loaded relief valves or spring loaded diaphragm type relief valve.

DPRS/IPRS shall normally be equipped with minimum two safety devices. At least one of them shall be a slam shut valve operating on over pressure for those installations whose inlet operating pressure is more than 60 psig.

To prevent over pressurization of downstream system during periods of low flow, creep relief valve can be used. If a monitor regulator is installed in the system, it shall be such that it is the first acting device in the pressure safety system.

Control and Limiting of Gas Pressure in Low Pressure Distribution Systems

A combined Over Pressure Shut-Off (OPSO) regulator with built-in creep relief is also acceptable device for control and limiting of gas pressure in low pressure distribution system.

Control and limiting of pressure of gas delivered to domestic, small commercial, and small industrial consumers from high – pressure distribution system.

Service regulator with a built-in Under Pressure Shut-Off (UPS) regulator is also acceptable device for control and limiting of gas pressure to consumer.

VALVES

As far as practical, the valves in the distribution mains should be installed below ground with the valve operating device readily accessible. A stem extension may be used to elevate the valve operator above ground provided it does not cause obstruction to traffic and / or pedestrians. In such cases, sealant / lubrication points and vent pipe work shall also be extended above ground for ease of operation.

Valves of size 4 inches and above shall be fitted with double block and bleed facility.

Spacing between valves on distribution mains, whether for operating or emergency purpose shall be decided as follows:

(a) High Pressure Distribution System:

Based on operation and maintenance flexibility requirements, valves may be provided on:

- Either side of water body crossings.
- Strategic take-off points including future developments.

Based on risk associated with emergency situations requiring speedy isolation and resulting number and type of customers affected by such emergencies etc.

- In steel distribution mains valve spacing should normally not be more than 3 km,
- In plastic distribution mains valve spacing should normally not be more than 1 km.

The above spacing, however, may be increased or decreased based on risk assessment and to allow location of valve at an easily accessible location.

(b) Low Pressure Distribution System:

Valves in low pressure distribution system may be provided at locations requiring isolation for ease of maintenance in addition to those required as per following Para.

Distribution System Valves

A valve shall be installed on the inlet and outlet piping of each regulator station controlling flow or pressure of gas in distribution system. The distance between the valve and regulator(s) shall be adequate to allow operation of the valve during emergency (such as large leakage or fire). These valves should be located in a manner that they are easily accessible during emergency.

- An Operational Health and Safety Legal applicability Matrix as well as Operational Health and Safety (OH&S) Legal Compliance matrix.
- An Environmental Legislative Register (ELR) to provide the user a register of practical implementation in terms of day-to-day activities with which the operation has to comply. Of particular relevance are the details of consents / permits / authorization or licenses required for an activity and from whom and how it is obtained.
- Additional practices like carrying out periodic Work Place Inspection of all Critical Activities by senior management team, implementation of Behavior Based Safety Programs and implementation of Safety Intervention System should be considered to improve the safety culture of the organization.

For Safe Control of Operations (SCO), a systematic *Management of Change* process shall be developed to identify and consider the impact of changes to pipeline systems and their integrity. Management of Change should address technical, physical, procedural and organizational changes of the system, whether permanent or temporary

GIS based asset management system:

The entity operating a CGD network shall put in place a GIS (Geographical Information System) based system with the intention of capturing the entire underground gas network and customer database. This system shall include details of the entire pipe network. All the pipelines laid shall be identified in GIS through geo-referenced co-ordinates. All failures in the pipelines shall be mapped in GIS for investigations.

The system shall include the following features:-

- A) Entire network view ability on one platform to manage the huge database.
- B) All network extensions and expansions to be mapped and

updated in GIS with geo-referenced co-ordinates for better identification.

- C) Immediate availability of the new constructed pipeline locations and customer base information to the user groups allowing related analysis, planning and future projections of new possibilities of pipelines, customers, gas volumes and revenue including jobs to be undertaken by third party.

GIS shall be used during the entire life cycle of the asset.

Essential Features of the Operating and Maintenance plan

Operating and Maintenance procedure should also address the following:

- Preventive maintenance plan and procedures required in accordance with recommendations of Original Equipment Manufacturer(s) (OEMs).
- A well-designed system of periodic inspection for all facilities.
- Calibration plan for meters, gauges and other instruments affecting quality and safety of system.
- Plan for functional testing of pressure regulation and control equipment (Active / Monitor Regulator, Slam Shut Valve, Pressure Relief Valves, control valves etc.).
- Isolation scheme (complete with drawings showing the orientation of the facilities, location of major services, power switches, entry and emergency exits, fire assembly points etc.). It should cover main components, including their identification number.
- Limits of operating parameters (pressure, temperature, flow, levels etc.)
- An Alarm Management System to monitor, analyze, segregate and appropriate action.
- "Work Permit" procedures to be followed by maintenance personnel for protection of property from damage and fire etc.
- Procedures to log operation and maintenance activities.

VAULTS

Accessibility

In case part of Vault or Pit extends above ground (e.g. to avoid water flooding in low lying areas that cannot be avoided), then, it shall be located such that it causes minimum interference / hindrance to the traffic / pedestrians.

CUSTOMERS' METERS AND REGULATORS

Location for Customers' Meter and Regulator Installations

Customer meter shall preferably be located on the wall outside the kitchen, however, when customers' meters and regulators are located inside the building, it should be located in a well ventilated area.

GAS SERVICE LINES

General Provisions Applicable to Steel, Copper and Plastic Service Lines

Service lines shall be sized for a maximum flow velocity of 15 m / sec.

Installation of Service Lines

All plastic pipe and fittings shall be laid underground and shall not be exposed.

The buried service lines shall be provided with a minimum cover of 1.0 m. Where it is impractical to provide 1.0 m cover due to physical constraints, additional protective measures such as concrete slabs or high impact resistance plastic sheets shall be installed at least 300 mm above the service line. In no case the depth of cover shall be less than 600mm.

For transition from plastic pipe to GI pipe, transition fittings shall be used. Plastic part of transition fitting protruding above ground shall be protected by encasing it with concrete guard.

In case carbon steel section beyond transition fitting is below ground, it shall be protected against corrosion by

minimum 400 micron thick 2 pack high build epoxy coating.

Above ground service piping shall be Galvanized Iron or copper or carbon steel protected by anti corrosive coating.

Wherever the service line riser is installed in confined spaces like basements, only welded risers shall be used. The gap between riser and wall shall be minimum 25 mm to and shall be supported at every 2 m. Ventilators shall be provided in confined space.

Type of Valves Suitable for Service Line

Valves

Soft seated valves in service lines are not permitted.

Steel Service Lines

Design of Steel Service Lines

All underground steel service lines shall be joined by welding using qualified welding procedure and welders.

Installation of Service Lines into or Under Building

Use of sleeve for laying steel pipe through wall, or under outer wall foundations of building or under the building is not recommended. Such underground lines shall be protected against corrosion by minimum 400 micron thick 2 pack high build epoxy coating.

Ductile Iron Service Lines

Use of ductile iron service lines is not permitted.

Plastic Service Lines

Design of Plastic Service Lines

Only electro fusion fittings shall be used in plastic service piping including pipe to pipe joints.

Installation of Plastic Service Lines

Installation of plastic pipe above ground is not recommended. In case any section of plastic pipe extends above ground, it shall be completely encased in a concrete casing. Use of flexible conduit is not permitted.

Installation of Plastic Service Lines into or Under Buildings

Installation of plastic service lines under or inside the building is not permitted as per this standard.

Service Line Connections to Mains Service Lines Connections to Steel Mains

Service line connection to steel mains shall be as follows:

- In case of plastic service line, connection to underground steel main shall be by use of transition fitting in plastic piping with steel part of transition fitting welded to steel main piping.
- Direct connection of galvanized iron or copper service lines to underground steel mains is not permitted.

Service Lines Connections to Plastic Mains

- In case of plastic service line, connection to plastic main shall be by

use of electro fusion fittings only.

- Direct connection of galvanized iron or copper service lines to underground plastic mains is not permitted.

PIPING BEYOND CONSUMER METER SET ASSEMBLY TO GAS APPLIANCE

Piping connecting consumer meter set assembly to consumer gas appliance shall be either GI or copper up to last valve located near actual appliance.

A metal seated leak detection cum excess flow shut off valve shall be provided near the appliance located at easily accessible location by the authorised entity. The valve shall be designed to shut off in case of sudden leakage of gas from the hose or in case of burner flame-off condition.

Appliance shall be connected to gas line with a flexible and braided hose as per IS 9573. The hose shall not be exposed to internal or external temperature exceeding the recommended limits. Care shall be exercised not to exceed permissible bend radius specified in IS: 9573 (Table 1 - Dimensions and bend radii for rubber hoses).

Length of this hose shall be kept minimum. However, in no case the length shall be more than 1.5 meters. Both ends of the hose shall be firmly clamped on the nozzle by metallic clamps.

Schedule – 1E**OPERATING AND MAINTENANCE PROCEDURES**

The present standard covers the City Gas Distribution, Design, Installations, Commissioning and Operation in general. The Operation and Maintenance Procedures prescribed herein under are for general guidelines to be implemented as per the provisions of the standard. The entities engaged in laying, building, operating and expending City or Local Gas Distribution Network will create an organization handling operating and maintenance including meeting the emergencies arising in the system.

The main operation area would be to handle gas receipt, odourisation and pressure reduction (including heating the gas, if required) and managing the district regulating station, field regulators and gas metering for all kind of customers such as domestic, commercial and industrial.

The gas measuring billing including energy balance shall be part of the operation. The safety, health and environment including compliance of regulatory measures shall be a part of the responsibility of the operating group. The maintenance activity shall cover the maintenance and upkeep of the City Gate Station(s), District Regulating Stations, Field Pressure regulating Stations and end consumers facilities, sectionalising valves and other assets and facilities. This inter-alia will evolve regular maintenance, route patrolling to contain third party damages and maintenance of safety provisions including offsite emergency plan and onsite emergency plan, mutual aid and disaster management plan. The following sections briefly refer to such activities:-

1. Operating and Maintenance Procedures affecting the safety of gas transmission and distribution facilities.
2. External Corrosion Control
3. Odourisation

OPERATING AND MAINTENANCE PROCEDURES AFFECTING THE SAFETY OF GAS TRANSMISSION AND DISTRIBUTION FACILITIES**Basic Requirements**

The entity operating a CGD network shall have an effective Health, Safety and Environment Management System (HSE Management System) and Management of Change System in place to ensure overall safety during operation and emergencies.

The HSE Management System shall cover the following key elements.

- HSE Policy Statement
- Organizational objectives to ensure implementation of the policy
- Set of detailed processes supporting each activities of the HSE management system
- Implementation of control and monitoring activities
- Periodic monitoring, review and reporting of performance
- Audit of internal and external activities

Following processes shall be prepared as part of HSE Management System:

- Emergency Management System to safely handle emergencies with minimal risk.
- Disaster Management Plan encompassing offsite and onsite emergency response plans and mutual aid system
- Hazard Identification Processes such as HAZOP
- Risk Analysis and Risk Assessment Process such as QRA
- Safety and Technical Competency System.

- An Operational Health and Safety Legal applicability Matrix as well as Operational Health and Safety (OH&S) Legal Compliance matrix.
- An Environmental Legislative Register (ELR) to provide the user a register of practical implementation in terms of day-to-day activities with which the operation has to comply. Of particular relevance are the details of consents / permits / authorization or licenses required for an activity and from whom and how it is obtained.
- Additional practices like carrying out periodic Work Place Inspection of all Critical Activities by senior management team, implementation of Behavior Based Safety Programs and implementation of Safety Intervention System should be considered to improve the safety culture of the organization.

For Safe Control of Operations (SCO), a systematic *Management of Change* process shall be developed to identify and consider the impact of changes to pipeline systems and their integrity. Management of Change should address technical, physical, procedural and organizational changes of the system, whether permanent or temporary

GIS based asset management system:

The entity operating a CGD network shall put in place a GIS (Geographical Information System) based system with the intention of capturing the entire underground gas network and customer database. This system shall include details of the entire pipe network. All the pipelines laid shall be identified in GIS through geo-referenced co-ordinates. All failures in the pipelines shall be mapped in GIS for investigations.

The system shall include the following features:-

- A) Entire network view ability on one platform to manage the huge database.
- B) All network extensions and expansions to be mapped and

updated in GIS with geo-referenced co-ordinates for better identification.

- C) Immediate availability of the new constructed pipeline locations and customer base information to the user groups allowing related analysis, planning and future projections of new possibilities of pipelines, customers, gas volumes and revenue including jobs to be undertaken by third party.

GIS shall be used during the entire life cycle of the asset.

Essential Features of the Operating and Maintenance plan

Operating and Maintenance procedure should also address the following;

- Preventive maintenance plan and procedures required in accordance with recommendations of Original Equipment Manufacturer(s) (OEMs).
- A well-designed system of periodic inspection for all facilities.
- Calibration plan for meters, gauges and other instruments affecting quality and safety of system.
- Plan for functional testing of pressure regulation and control equipment (Active / Monitor Regulator, Slam Shut Valve, Pressure Relief Valves, control valves etc.).
- Isolation scheme (complete with drawings showing the orientation of the facilities, location of major services, power switches, entry and emergency exits, fire assembly points etc.). It should cover main components, including their identification number.
- Limits of operating parameters (pressure, temperature, flow, levels etc.)
- An Alarm Management System to monitor, analyze, segregate and appropriate action.
- "Work Permit" procedures to be followed by maintenance personnel for protection of property from damage and fire etc.
- Procedures to log operation and maintenance activities.

- Personal Protective Equipments (PPE) to be used by all operating personnel.
- Do's and Don'ts and safety precautions during operation and maintenance.

Provisions of periodic inspections along the route of steel pipelines or mains shall include all sections of pipelines and mains irrespective of operating hoop stress.

Essential Features of the Emergency Plan

Entities operating CGD Networks shall provide for an Emergency Control Room, manned round the clock and equipped with effective communication system and emergency vehicles fitted with communication facilities, first aid equipment, fire extinguishers, gas detectors, repair kits and tools, maps, plans, material safety data sheets etc. at its disposal.

The CGD entity shall put in place an Emergency Response Plan, a Disaster Management Plan and a Pandemic Plan. While preparing these plans the entity shall take into confidence the various local authorities (i.e. The Fire authorities, Police authorities, Health authorities, local administration, Disaster Management authorities, Mutual aid, Factory inspectorate etc) and clearly elaborate on their role in case of an incident.

Accident / emergency reporting procedures

The entity shall put in place a documented in house accident reporting procedure and its response plan for all kind of accidents/emergencies such as (i) near miss accidents, (ii) accidents without loss of production, supply or human life, (iii) accidents with loss of production, supply or human life, (iv) fire (v) explosion or other emergencies leading to disaster effecting outside public. The level of reporting shall also be mentioned in the procedure. The Board shall be informed in respect of the accidents/emergencies under category (iii), (iv) and (v) above with remedial measures

for avoiding recurrence in the format placed at Enclosure-I of Schedule -1E. The entities shall investigate and report each of the above incident/accident to different level as specified in the above enclosure.

Notwithstanding anything contained herein under, in case any incident escalates and gets media attention or gets published in newspapers, the entity shall proactively inform the Board of the same immediately with preliminary investigation report. Further, detailed report of the findings shall be furnished to the Board within a period of thirty days.

Written Emergency procedures

Special attention should also be given to following while preparing Emergency procedures:

- "Do's and Don'ts" during and emergency and other safety instructions.
- Telephone numbers of emergency response team members, emergency services, mutual aid industries, district authorities, law enforcing agencies, contractors / vendors, fire services, district civic authorities, etc.
- Actions to be taken during an emergency including warning / cordoning off of affected area and informing the civil authorities and / or other utility companies affected by any emergency.

Training

- Training shall be imparted to the CGD Network operating and maintenance staff at the time of induction followed by periodic refresher courses. The training program should cover following:
 - Hazardous characteristics of Gas.
 - Familiarization with commissioning, operation and maintenance procedures.
 - Hands on experience on operation of emergency and manual shut down systems.
 - Effective isolation of any gas leak.
 - Safety regulations and accident prevention.

- Firefighting equipment operation and its upkeep.
- First Aid and Housekeeping

The training process should be subjected to periodic internal audits to ensure effective implementation and improvement.

Training shall include mock safety drills, at least twice a year.

Training program shall also envision imparting training to employees and contractors of other utility companies sharing the same corridor to make them aware about hazards associated with leak / damages.

Liaison

Entity owning or operating CGD networks should have designated personnel to liaison with other existing utility companies, district local administration and gas supplying companies. A utility co-ordination team consisting of representatives from all other utility companies and civil authorities can substantially improve safety records.

Educational Programs:

Entities operating CGD Networks shall undertake a comprehensive public awareness program for consumers and general public. The educational material shall be prepared in local, Hindi and English language. Local audio visual media available should be used for such educational programmes.

Pipeline Failure Investigation

Besides reporting and recording of all instances of asset related failures, damage to the environment and third party property shall also be recorded.

Failure investigating team shall comprise personnel trained in failure investigations.

The data from all failure occurrences should be analyzed for trends so that proper initiatives including training could be taken to minimize failures.

Prevention of Accidental Ignition

Site Specific Risk Assessment should be carried out before commencing any repair activities. The outcome of such risk assessment should be documented and considered while preparing safety plan for the repair work.

No hot work should be undertaken without proper work permit issued by authorized personnel.

Blasting Effects

No blasting should be carried out within city limits and near any third party structures or facilities. In any case blasting shall only be used after proper authorization from civil authorities even if it is safe to carryout such operations.

DISTRIBUTION PIPING MAINTENANCE.

Markers

Markers shall be positioned along entire network at a maximum spacing of 100 meters in urban area and 200 meters within industrial parks for steel mains.

Additional warning signs or markers shall be installed to indicate the presence of a pipeline at road, highway, railroad, stream, canal, nala crossings and other locations where there is a possibility of damage or interference.

A marker shall be marked in bold and legible local language and Hindi / English with at least the following:

- Name of CGD Network Operating Company
- Contact Telephone Number to report emergency.
- Location Area Code
- Warning - "High Pressure Gas Line, Dial before Digging" etc.

Markers may not be installed for service pipeline within consumer premises, however, the Operating Company shall maintain such service pipeline routing drawings for easy reference. The operating

company shall provide minimum safety information to the consumer/customer before starting the gas supply.

It shall be mandatory for the group housing societies/cluster of houses etc. which are providing the inbuilt facilities for the natural gas connectivity to each and every dwelling unit in such buildings to have the line diagrams of the connection piping fixed at the main entrance of such premises.

Patrolling

Patrolling schedule shall be such that entire primary network is inspected at least once in three (3) month and secondary network is inspected at least once every month to observe surface conditions, construction activity, encroachments, soil wash outs and any other factors that may affect the safety and operation of the network.

Leakage Surveys

Operating company must have an effective method to identify and locate leakages in the system. Any one or combination of methods described in ASME B 31.8, Appendix M can be adopted based on their effectiveness for the specific areas.

Highly congested areas shall be surveyed using gas detectors at least once in three months. Other less congested areas shall be surveyed at least once a year.

Leakage Surveys using gas detectors shall be done in accordance with the requirements of ASME B 31.8.

Gas detectors, duly calibrated, shall be available at all times in ready use conditions for emergency surveys and use.

Requirements for Abandoning, Disconnecting, and Reinstalling Distribution Facilities

Abandoning, disconnecting, or reinstalling distribution facilities shall be as per ASME B31.8.

Any activity associated with abandoning, disconnecting, or reinstalling of distribution

facilities shall require Work Permit issued by the authorized person.

Plastic Pipe Maintenance

The following safety precautions shall be ensured during emergency repairs or breakdown maintenance of pipelines:

- All naked flames, sources of ignition and mobile phones shall not be allowed in the immediate work area.
- Gas level should be monitored during the repair work with gas detectors. The repair shall not be carried out in atmosphere which contains natural gas.
- Adequate fire extinguishing equipment shall be available during such repair.

Squeezing-off and reopening of Thermoplastic Pipe or Tubing for Pressure Control

Location where Squeezing and reopening is done once shall be marked appropriately to identify that the pipe has been squeezed and reopened.

Squeezing of reopened pipe at the same location is not permitted. Minimum distance between consecutive squeeze-off locations shall not be less than five (5) meters.

Repair of Plastic Pipe or Tubing

Damaged or defective plastic pipe shall be cut and replaced with new pipe.

Repair of damaged plastic pipe by using repair patches is not permitted.

Only repair method allowed is use of full encirclement split sleeves which shall be in accordance with ASME B 31.8.

MISCELLANEOUS FACILITIES MAINTENANCE

Flexible steel braided hose used to connect consumer appliances should be inspected at least once every year for leakage, kinking, corrosion, abrasion or any other signs of wear and damage.

- Any hose worn out or damaged must be removed from service and replaced.

PIPELINE SERVICE CONVERSIONS

Steel pipelines and mains used in CGD Network shall not be used for dual service.

Conversion of existing steel pipelines, previously used for service other than natural gas, for use in CGD Networks is not permitted.

RECORDS

Besides the details of leak records as covered under ASME B31.8 Para 851.6 and 852.6, the CGD Network Company shall also maintain following records/ documents:

- Design specification
- Alignment sheets for primary network of steel pipeline and associated pipe book and other installation and test records
- Surveillance inspection and maintenance records
- Material certification including dimension, metallurgy, destructive and non-destructive testing records, performance and functional test reports
- Welding records including PQR, WPS and welder qualification records
- Commissioning reports
- Non-conformance / deviation records
- Calibration records of Inspection, Measuring, Metering and Test equipment
- Audit compliance reports
- Statutory clearances
- Approved drawings /documents
- HAZOP / Risk Assessment reports and compliance to recommendations of such reports
- All operation and maintenance manuals

Enclosure-1 of Schedule-1E**Reporting Format**

	Type-I Near Miss Incident	Type-II Without Loss of Production, Supply or Human Life	Type-III With Loss of Production, Supply or Human Life	Type-IV Fire	Type-V Explosion /Fire/Gas Leakage/other emergencies involving public
Location	√	√	√	√	√
Time	√	√	√	√	√
First Witnessed by	√	√	√	√	√
Details of Incident	√	√	√	√	√
Action Taken	√	√	√	√	√
Reporting Authority	Operator or (O&M)	Operator (O&M)	Shift I/C	HSE Officer	Section I/C
Internal Investigating Authority	Head (HSE)	Head (HSE)	Head (O&M)	Head (HSE)	Head of Station
External Investigation	X	X	√	√	√
Report to PNGRB	X	X	√ (*)	√(*)	√(*)

√ To be filled in/reported

X Not required to be reported

(*) Shall also include the history of Type-I & Type-II incidents

Schedule – 1F**CORROSION CONTROL****EXTERNAL CORROSION CONTROL****New Installation/Buried Steel Facilities
Coating Requirements,**

Coatings shall fulfill following requirements:

- Coating shall provide good electrical isolation between external surface of the pipe and environment.
- Coating shall have sufficient resistance to moisture transmission.
- Coating shall have sufficient ductility to resist cracking;
- Coating shall have good mechanical strength or otherwise be protected to resist damage due to normal handling (including concrete coating application where applicable) and soil stress.
- Coating shall be compatible with Cathodic Protection system and field joint coatings.

For carbon steel pipelines or mains of size NPS 2 and above, 3 Layer Polyethylene or Fusion Bonded Epoxy coating is recommended.

All buried bends and fittings shall be coated with Heat Shrink Sleeves or two pack high build liquid epoxy coating with minimum DFT 450 microns.

Cathodic Protection Requirement**Electrical Isolation**

Where insulating devices are installed to provide electrical isolation of pipeline systems to facilitate the application of corrosion control, they shall be properly rated for temperature, pressure, and electrical properties and shall be resistant to the gas carried in the pipeline systems. These devices shall not be installed in enclosed areas where combustible

atmospheres are likely to be present unless precautions are taken to prevent arcing.

Pipes shall be installed so that the below grade or submerged portions are not in electrical contact with any casing, foreign piping systems or other metallic structures. This shall not preclude the use of electrical bonds where necessary.

Electrical Connection and Monitoring Points

Where a higher current carrying capacity is required, a multi-strand conductor shall be used and the strands shall be arranged into groups no larger than No.6 AWG. Each group shall be attached to pipe with a separate charge. Attaching test leads directly to the pipe by other methods of brazing is prohibited.

When thermit welding process is used for electrical lead installation on pressurized pipelines or mains, precautions shall be taken to avoid possible failure of the pipeline or mains during installation due to loss of material strength at the elevated welding temperatures. Where a thermit welding process is not deemed suitable, consideration shall be given to other methods of installation.

Electrical Interference

Electrical interference due to following shall also be considered in cathodic protection design:-

Fault Currents

Fault current interference shall be taken into consideration.

Fault current resulting from lightning or upset conditions of electrical facilities

could result in serious damage to coating and pipe wall and danger to personnel. These adverse effects may occur where a pipeline or main is close to the grounding facilities of electrical transmission line structures, sub-stations, generating stations or other facilities that have high short circuit current-carrying grounding networks.

Where a buried pipeline or main is close to grounding facilities, remedial measures may be necessary to control the effect of these fault currents in order to reduce the resultant rise in potential gradient in the earth near the pipeline or main to an acceptable level.

Induced Potential Interference

Pipelines or mains paralleling alternating current electrical transmission lines are subject to induced potentials. When studies or tests show that alternating current potentials will be or are being induced on a buried pipeline or main, devices shall be installed to reduce these potentials to a tolerable level.

When such pipelines or mains are under construction, or when personnel are in contact with the pipelines or mains, special precautions shall be taken to nullify the possible effects of induced alternating current potentials.

Install bonding across points where the pipeline or main is to be separated and maintain this connection while the pipeline or main is separated.

Make a study in collaboration with the electric company on the common problems of personnel safety, corrosion, electrical interference and lighting problems.

Existing Installations

Cathodically Protected Pipeline Systems Temporarily out of Service

Cathodic Protection systems shall be

maintained on any pipeline or main temporarily out of service.

Temporary Cathodic Protection System

When considered necessary, a temporary Cathodic Protection system with sacrificial anodes shall be installed to ensure adequate protection of pipeline or mains from external corrosion from the time the pipeline or main is laid in the trench till the permanent Cathodic Protection system is commissioned.

The temporary cathodic protection system shall preferably be installed simultaneously keeping pace with the pipeline or main laying/installation work and shall be monitored periodically.

RECORDS

CGD Network Company shall also maintain following records / documents related to corrosion control:

- Cathodic Protection Design documents
- Soil Resistivity Survey Report
- Electrical Interference Report
- Inspection and maintenance reports
- Material certification including dimension, metallurgy, performance and functional report
- Material test reports
- Approved drawings/documents

Schedule – 1G**MISCELLANEOUS****ODOURISATION**

Natural gas supplied through CGD Network shall have a distinct odour, strong enough to detect its presence in case of leakage.

A pre – determined quantity, equivalent to a max 12.5 ppm Ethyl Mercaptan, of any other odorant shall be dosed into the gas stream.

Odour level tests shall be carried out to recognise the odour imparted by the gas supplier/distribution company. These tests are to be carried out at various defined locations on the network and at network extreme ends. If odour level falls below the minimum acceptable level same shall have to be intimated to the control room of the gas supplier and accordingly corrective actions are to be taken.

The odorizing equipment shall be located in a separate area at CGS. There should be a clear safety distance of 1.5 m around the odorizing and other facilities at the station to facilitate easy maintenance and personnel movement.

The odorant unloading should be done in a safe way. Precautions for handling odorant shall be prominently displayed.

Odourant absorber like activated carbon saw dust, dry sand and odorant neutralizer like sodium hypochlorite for spillage handling of odourant shall be provided.

Provision should be made for eye wash or emergency shower near odorant handling and injection systems, in case ethyl mercaptan is used as odourant.

Use of personal protective equipment like face shield, mask, rubber hand gloves, gumboot, safety goggles etc. for handling of odourant spillage shall be ensured.

References

ASME B 31.8 – Gas Transmission and Distribution Piping Systems (ASME 3 Park Avenue, New York, NY USA 10016. www.asme.org).

API 1104 - Welding procedures and welders for welding of gas pipelines.

ASME Boiler and Pressure Vessel (BPV) Code Section IX - Welding procedures and welders, for station piping.

ASTM A 395 - Valves having shell (body, bonnet, cover and/or end flanges) components made of cast iron and / ductile iron (as per shall not be used in CGD networks).

BS EN 331 - Valves used in service lines of size NPS 2 and below.

ISO 8085 - Electro-fusion fittings for sizes up to NPS 8.

IS-5572 - Electrical area classification of Installation for selection of Electrical Equipment

IS - 5571, "Guide for selection of Electrical Equipment for Hazardous Area"

IS 3043 – For earthing of all electrical equipment, systems, structures and fencing, etc.

IS:2309 – for Lightning protection

IS 9573 – Steel braided Hose

ANNEXURE – I**List of Specifications of Piping Materials used in CGD Network****Steel Pipe**

API 5L	Specification for Line pipes
ASTM A106	Seamless Carbon Steel Pipe for High Temperature Service
ASTM A333	Seamless and Welded Steel Pipe for Low-Temperature Service

Galvanized Iron Pipes

IS 1239 (Part-1)	Steel Tubes, Tubular and Other Wrought Steel Fittings - Specification - Part 1 : Steel Tubes

Valves

API 6D	Pipeline Valves
ASME B16.34	Valves Flanged, Threaded and Welding End
BS 5352	Specification for steel wedge gate, globe and check valves 50 mm and smaller for the petroleum, petrochemical and allied industries
BS 5351	Specification for steel ball valves for the petroleum, petrochemical and allied industries - Small Floating ball valve
BS 1873	Specification for Steel globe and globe stop and check valves (flanged and butt-welding ends) for the petroleum, petrochemical and allied industries

Flanges and Blanks

ASME B16.5	Steel pipe flanges and flanged fittings - Size upto 24" NB.
ASME B16.36	Orifice Flange
MSS SP-44	Steel Pipeline Flanges
API 590	Steel Line Blanks

Fittings

ASME B16.9	Factory-Made Wrought Steel Butt welding Fittings
MSS SP-75	Specification for High Test, Wrought, Butt Welding Fittings
MSS SP 97	Integrally Reinforced Forged Branch Outlet Fittings - Socket Welding, Threaded and Butt welding Ends
IS 1239 (PART-2)	Steel Tubes, Tubular and Other Wrought Steel Fittings - Specification - Part 1 : Mild Steel Tubular and other wrought steel pipe fittings

Stud Bolts and Nuts

ASTM A194	Standard Specification for Carbon and Alloy Steel Nuts for Bolts for High Pressure or High Temperature Service, or both.
ASTM A193	Standard Specification for Alloy-Steel and Stainless Steel Bolting Materials for High Temperature or High Pressure Service and Other Special Purpose Applications

ASTM A153	Standard Specification for Zinc Coating (Hot-Dip) on Iron and Steel Hardware
ASME B18.2.1	Square and Hex Bolts and Screws, Inch Series
ASME B18.2.2	Square and Hex Nuts

Gaskets

ASME B16.20	Spiral-wound metal gaskets and metal jacketed gaskets for use with raised face and flat face flanges.

Copper Tubes

BS EN 1057	Copper and copper alloys. Seamless, round copper tubes for water and gas in sanitary and heating applications

Copper Fittings

BS EN 1254 PART 1	Copper and copper alloys. Plumbing fittings. Fittings with ends for capillary soldering or capillary brazing to copper tubes

Plastic Pipes

ISO 4437	Buried polyethylene (PE) pipes for the supply of gaseous fuels -- Metric series -- Specifications
IS 14885	Specifications for polyethylene pipes the supply of Gaseous Fuels

Plastic Valves

ASME B16.40	Manually- Operated Thermoplastic Gas. Shutoffs and Valves in Gas Distribution Systems
EN 10204	Excess flow check valve
EN 1555-4	Plastic piping system for supply of gaseous fuels polyethylene -- Part 4

Plastic fittings

ISO -8085 -3	International Standard for thermoplastic fittings
EN - 1555-3	European standard for plastic piping system for supply of gaseous fuels -- Polyethylene (PE) Part -3 : fittings
ISO/TC-138/SC4 N 521 & 523	1990 Thermoplastic fitting procurement requirements

High Pressure SS Tubing and Fittings

ASTM A269	Standard Specification for Seamless and Welded Austenitic Stainless Steel Tubing for General Service

Brass Ball Valves (Up To 2")

BS EN 331	- Manually operated ball valves and closed bottom taper plug valves for gas installations in buildings

Brass Fittings

IS 319	Free Cutting Leaded Brass Bars, Rods and Sections -- Specification

ANNEXURE – II**List of Specifications for Equipment used in CGD Network****Pressure Safety Equipment (Regulators, Slam Shut Valves and Creep Relief Valves)**

EN 334	Gas pressure regulators for inlet pressures up to 100 bar
EN 14382	Safety devices for gas pressure regulating stations and installations - Gas safety shut-off devices for inlet pressures up to 100 bar
API 526	Flanged Steel Pressure Relief Valves

Filters

- ASME Section VIII Boiler and Pressure Vessel Code

Metering Equipment

AGA Report No. 3	Orifice Metering of Natural Gas and Other related Hydrocarbon fluids
AGA Report No. 5	Fuel Gas Energy Metering
AGA Report No. 9	Measurement of Gas by Multi-path Ultrasonic Meters
OIML R6 / OIML R31	Diaphragm gas meters
BS 1359 / BS 4161	Diaphragm gas meters
EN 12480	Gas meters - Rotary displacement gas meters
OIML R32	Rotary piston gas meters and turbine gas meters
AGA Report No. 7	Measurement of Gas by Turbine Meters
EN 12261	Gas meters - Turbine gas meters

Pressure Measuring Equipment

BS EN 837-1	Pressure gauges - Part 1: Bourdon tube pressure gauges; dimensions, metrology, requirements and testing
BS EN 837-2	Pressure Gauges - Part 2: Selection and Installation Recommendations for Pressure Gauges
BS EN 837-3	Pressure gauges - Part 3: Diaphragm and capsule pressure gauges; dimensions, metrology, requirements and testing

Electro fusion machine for jointing PE pipe and fittings

EN - 55014
EN - 50081-1
EN - 50082-1
EN - 61000-3
EN - 60335-1
EN - 60335-2-45
ISO- 12176-2

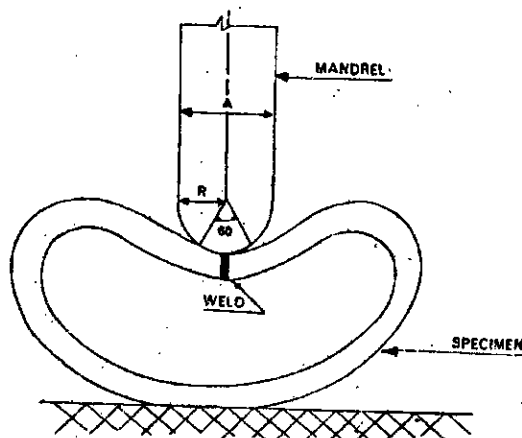
ANNEXURE – III

Additional Requirements for Electric Welded Pipes

Electric Welded pipes shall meet following requirements.

Reverse Bend Tests

Reverse bend tests shall be performed on the pipe piece cut from the crop end, selected from the front end of the first length and the back end of the last length produced from each coil. The specimen shall be 100mm to 115mm long and shall be reverse bend tested in accordance with procedure and figure given hereinafter.



The reverse bend test shall be carried out with a mandrel. Radius (R) and width (A) of mandrel shall be calculated for any combination of diameter, wall thickness and grade with the formula.

$$A = 2R = \frac{1.4 (D-t) t}{e (D-2t)-1.4 t} - t$$

where,

- D - Outside diameter of pipe
- t - Wall thickness of pipe
- 1.4 - Peaking factor
- e - Strain

Minimum values of 'e' shall be as follows:

Grade of Steel	Min 'e' value
API 5L Gr. B	0.1425
API 5L X-42	0.1375
API 5L X-46	0.1325
API 5L X-52	0.1275
API 5L X-60	0.1225

Procedure

The mandrel is to be plugged into the specimen, with the weld in contact with mandrel, to such a depth that the angle of engagement between mandrel and specimen reaches 60° (see Figure). If the combination of diameter and wall thickness of pipe, and radius of mandrel is such that the angle of engagement does not reach 60°, the mandrel shall be plugged into the specimen until opposite walls of the specimen meet.

Acceptance Criteria

A specimen which fractures completely prior to the specified engagement of mandrel and specimen, or which reveals cracks and ruptures in the weld or heat affected zone longer than 4mm, shall be rejected. Cracks less than 6mm long at the edges of the specimen shall not be cause for rejection.

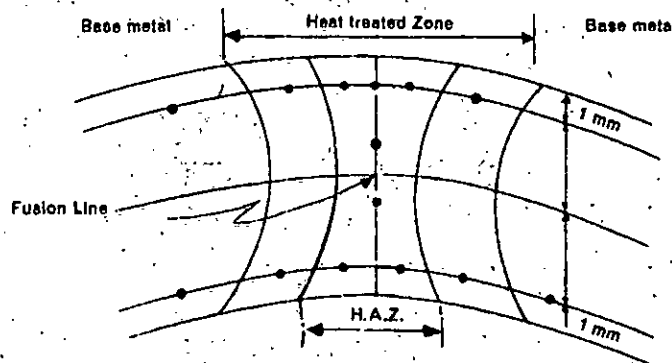
Micrographic and Hardness Examination

A test specimen shall be taken across the longitudinal weld from one length of finished pipe from each lot of maximum 100 lengths from the same heat manufactured from the same process.

These specimens shall be polished and etched for micro-examinations. The examinations shall provide evidence that heat treatment of weld zone is adequate and there is no un-tempered martensite left.

Hardness measurements on each specimen shall be made as indicated in figure given herein after in accordance with ASTM E-32. The maximum difference in

hardness between base material and any reading taken in the Heat Affected Zone (HAZ) shall be less than 80 points Vicker's HV₁₀.



Minimum Requirements for GI Pipes and Copper Tubing used in service lines up to consumer appliance

Galvanized Iron (GI) Pipes

Pipes shall be conforming to IS: 1239 (Part-1) – 1990. The manufacturer shall have a valid license to use ISI Monogram for manufacturing of pipes in accordance with the requirements of IS: 1239 (Part-I) – 1990.

NOMINAL BORE	15 mm	25 mm	50 mm	80 mm
GRADE	MEDIUM ('B' CLASS) or HEAVY ('C' CLASS)	MEDIUM ('B' CLASS) or HEAVY ('C' CLASS)	MEDIUM ('B' CLASS) or HEAVY ('C' CLASS)	MEDIUM ('B' CLASS) or HEAVY ('C' CLASS)
O.D. mm max. Min.	21.8 21.0	34.2 33.3	60.8 59.7	89.5 88.0
THICKNESS mm	2.6 for B Class and 3.2 for C Glass	3.2 for B Class and 4.0 for C Glass	3.6 for B class 4.5 for C Glass	4 for B class and 4.8 for C Glass
NOMINAL WEIGHT Kg / mtr.	1.21 for B Class and 1.44 for C Glass	2.41 for B Class and 2.93 for C Glass	5.03 for B class 6.19 for C Glass	8.36 for B class and 9.90 for C Glass

Note :

Maximum tolerance on thickness (-) 10%, Tolerance on weight for single tube $\pm 10\%$ and for quantities per load of 10 tones, $\pm 7.5\%$

- Pipes shall be designed to withstand a test pressure of 5 MPa (50 bar), maintained for at least 3 second without showing any kind of defects.
- Eddy Current test may be done in place of hydrostatic test as per the procedure given in Annex - C of IS: 1239 (Part-1) - 1990.
- All Galvanized Tubes shall be Zinc coated by hot dip galvanizing in accordance with IS: 4736-1986 & its relevant parts.
- Minimum mass of zinc coating determined as per IS: 6745-1972 shall be 400 gms / m².
- The zinc coating on external and internal surfaces shall be adherent, smooth and free from such imperfections as flux, ash and dross inclusions, bare patches, black spots, pimples, lumpiness, runs, rust stains, bulky white deposits and blisters.
- Rejection and acceptance for these defects shall be as per Appendix-A of IS: 2629-1985
- The galvanized coating when determined on a 100 mm long test piece in accordance with IS: 2633 - 1986 shall withstand 4, one - minute dips.
- The adherence of zinc coating on tubes above 50 mm nominal bore, shall be determined by the pivoted hammer test given in IS : 2629 - 1985.

Each pipe shall be legibly and durably marked at intervals of not more than one metre with the following information (i) Manufacturer's name or trade mark, (ii) Class of Pipe – HEAVY, (iii) Indian Standard mark – ISI, (iv) Batch No. of Production, if any.

Fittings conforming to the requirements of IS 1879 : 1987, IS 14329 : 1995 are permitted to be used in Tertiary network, operating at pressures 100 mbarg and below :

Copper Tubing

For a copper service in domestic natural gas installations, materials supplied shall be in accordance with BS EN 1057:1996. It has replaced the copper tube standard BS 2871 Part 1. BS EN 1057 ensures the quality of the copper product by specifying the pipe in terms of its chemical composition, mechanical properties e.g. tensile strength, hardness, elongation etc., dimension and tolerance, surface quality, freedom from defects and suitability for pipe bending.

Copper pipe work shall be jointed by soldering or brazing, using mechanical compression or capillary type fittings. Fittings for use in joining copper tube shall be as per BS EN 1254 Parts 1 and 2. Fittings for capillary soldering and brazing are specified in Part 1 and compression fittings are specified in Part 2.

Soft soldering utilizes filler metals with melting points at temperatures up to 450°C. Filler metals shall be as per BS EN 29453:1994 - Soft solders alloys - Chemical compositions and forms. Solders for use with copper tube and fittings generally melt within the temperature range 180°C to 250°C. Compression fittings shall comply with BS 864 Part 2 or BS 2051 Part 1.

For capillary fittings:

- Soft solder shall not be used for pressure in excess of 75 mbar.
- If the operating pressure is to exceed 75 mbar, then, a solder with a melting point of not less than 600 degrees C shall be used. This shall also apply to brass fittings.

Height limit for copper risers: Although there is no specific guidance regarding maximum height of copper risers, IGE/UP/2 only allows the use of steel for risers above heights of 15 meter. Thus, unless local information is available to the contrary, 15-meter maximum height shall be considered safe due to weight and mechanical strength of material.

General guidance in BS 6891 also states that copper pipe work is not acceptable inside a protected shaft. Requirements for ventilation and fire stopping shall apply to ducts conveying copper pipe work. For an external copper riser system, protection against lightning conductors shall be considered.

A copper gas line shall never be used as a ground for an electrical system.

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RATAN P. WATAL, Secy.



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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खंड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड

अधिसूचना

नई दिल्ली, 17 जुलाई, 2008

सा.का.नि. 540(अ).—पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड अधिनियम, 2006 (2006 का 19) की धारा 61 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड एतद्वारा निम्नलिखित विनियम बनाता है, नामतः :—

1. संक्षिप्त नाम और प्रारम्भ

(1) इन विनियमों को पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (प्राकृतिक गैस के विपणन तथा प्राकृतिक गैस पाइपलाइन बिछाने, निर्माण, प्रचालन या विस्तार करने में संलग्न कंपनी के लिए संबद्ध आचार संहिता) विनियम, 2008 कहा जाएगा।

(2) ये सरकारी राजपत्र में प्रकाशन की तारीख से लागू होंगे।

2. परिभाषाएं

(1) इन विनियमों में जब तक कि संदर्भ में अन्यथा अपेक्षित न हो,

(क) "अधिनियम" का अर्थ है पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड अधिनियम, 2006;

(ख) "संबद्ध" का अर्थ है कंपनी से संबंधित कोई व्यक्ति या संबंधित व्यक्ति के संबंध में कोई कंपनी;

(i) जो कंपनी या संबंधित व्यक्ति, जैसा मामला हो, के प्रबंधन या नियंत्रण या पूंजी में प्रत्यक्ष रूप से या अप्रत्यक्ष रूप से अथवा एक या एक से अधिक मध्यस्थ के माध्यम से भागीदारी करे;

(ii) जिसके पास कंपनी या संबंधित व्यक्ति, जैसा भी मामला हो, में अधिक प्रत्यक्ष रूप से या अप्रत्यक्ष रूप से दत्तमत अधिकार के 26% से कम शेयर न हों;

(iii) जो कंपनी या संबंधित व्यक्ति, जैसा भी मामला हो, के आधे से अधिक बोर्ड के निदेशकों या शासी निकाय के सदस्यों या शासी निकाय के एक या अधिक कार्यपालक निदेशकों या कार्यपालक सदस्यों की नियुक्ति करे; अथवा

(iv) जो कंपनी या संबंधित व्यक्ति, जैसा भी मामला हो, के कुल ऋण की कम से कम 10% की गारंटी दे।

- (ग) "नियत दिवस" का अर्थ है 01 अक्टूबर, 2007 का दिन, जब केन्द्र सरकार ने पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड की स्थापना करने की अधिसूचना जारी की थी;
- (घ) "बोर्ड" का अर्थ है अधिनियम की धारा 3 की उपधारा (1) के अन्तर्गत स्थापित पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड;
- (ङ.) "पूँजीगत लागत" का अर्थ है चल परिसम्पत्तियों के सृजन से संबंधित लागत;
- (च) "लागत" का अर्थ है पूँजी लागत, प्रत्यक्ष लागत, वित्तीय लागत, पूर्ण आबंटित लागत प्रचालन लागत है, जैसी भी स्थिति हो।
- (छ). "प्रत्यक्ष लागत" का अर्थ है वह लागत जिसकी पहचान प्राकृतिक गैस पाइपलाइन बिछाने, निर्माण करने, प्रचालन या विस्तार करने में व्यय की गई लागत के रूप में आसानी से की जा सके;
- (ज) "वित्त-पोषण लागत" का अर्थ है परिसम्पत्ति के सृजन या प्रचालन लागत की आवश्यकताओं को पूरा करने के लिए वित्त-पोषित लागत;
- (झ) "पूर्णतः आबंटित लागत" का अर्थ है प्रत्यक्ष लागतों की राशि और किए गए कार्यकलापों के स्तर के आधार पर और आबंटन के सतत अनुप्रयुक्त आधार पर निकाली गई अप्रत्यक्ष लागत का आनुपातिक हिस्सा;
- (ञ) "अप्रत्यक्ष लागत" का अर्थ है ऐसी लागत जिसकी पहचान प्राकृतिक गैस पाइपलाइन बिछाने, निर्माण करने, प्रचालन करने या विस्तार करने के लिए अथवा प्राकृतिक गैस के विपणन करने पर आई लागत के रूप में प्रत्यक्ष रूप से न की जा सके और जिसमें समान ऊपरी लागत, समान प्रशासनिक व्यय और कर शामिल हों लेकिन उन तक सीमित न हो;
- (ड.) "प्राकृतिक गैस का विपणन" का अर्थ है प्राकृतिक गैस की बिक्री या वितरण के कार्यकलाप;
- (ट) "प्राकृतिक गैस पाइपलाइन" का अर्थ है पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (प्राकृतिक गैस पाइपलाइन बिछाने, निर्माण, प्रचालन या विस्तार करने के लिए कंपनियों को प्राधिकृत करना) विनियम, 2008 के अन्तर्गत वर्णित प्राकृतिक गैस पाइपलाइन;
- (ठ) "प्रचालन लागत" का अर्थ है अचल परिसम्पत्ति या सेवा को बनाए रखने और अनुरक्षण से संबंधित लागत;
- (2) इन विनियमों में प्रयुक्त और परिभाषित न किए गए शब्द तथा अभिव्यक्तियाँ, किंतु जिनका अधिनियम या उसके अंतर्गत बनाए गए नियमों या विनियमों में उल्लेख किया गया है, का अर्थ अधिनियम या नियमों या विनियमों, जैसा भी मामला हो, में क्रमशः दिया गया उनका अर्थ होगा।

3. प्रयोज्यता

ये विनियम उस कंपनी पर लागू होंगे -

- (1) जो प्राकृतिक गैस पाइपलाइन बिछाने, निर्माण करने, प्रचालन और विस्तार करने की पेशकश करे तथा पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (प्राकृतिक गैस पाइपलाइन बिछाने, निर्माण करने, प्रचालन या विस्तार करने के लिए कंपनियों प्राधिकृत करना) विनियम, 2008 के अन्तर्गत ऐसा करने के लिए प्राधिकृत हो;
- (2) जो प्राकृतिक गैस पाइपलाइन बिछा रहा हो, निर्माण, प्रचालन या विस्तार कर रहा हो तथा पेट्रोलियम और जिसे प्राकृतिक गैस विनियामक बोर्ड (प्राकृतिक गैस पाइपलाइन, बिछाने, निर्माण करने, प्रचालन और विस्तार करने के लिए कंपनियों को प्राधिकृत करना) विनियम, 2008 के अंतर्गत ऐसा करने के लिए प्राधिकृत किया गया हो;
- (3) जो प्राकृतिक गैस पाइपलाइन बिछाने, निर्माण करने, प्रचालन या विस्तार करने के लिए नियत दिन से पूर्व केन्द्र सरकार द्वारा प्राधिकृत हो; अथवा
- (4) जिसे संगत विनियमों के अंतर्गत संबंधित पाइपलाइन को समान वाहक या संविदागत वाहक में परिवर्तित करने के लिए बोर्ड द्वारा प्राधिकृत किया गया हो या निदेश दिया गया हो।

बशर्त कि कंपनी प्राकृतिक गैस के विपणन कार्यकलापों में संलग्न हो या उसके संलग्न होने का प्रस्ताव हो।

(क) या स्वयं;

(ख) किसी खंड, व्यवसाय इकाई या कंपनी द्वारा विभिन्न व्यवसाय खण्डों के लिए किए गए अन्य श्रेणीकरण के माध्यम से, किंतु कंपनी द्वारा उस व्यवसाय के स्वामित्व और प्रबंधन नियंत्रण को किसी अन्य कंपनी में परिवर्तित न किया गया हो; या

(ग) अपनी संबद्ध कंपनी के माध्यम से।

4. संबद्ध आचार-संहिता का विस्तार

- (1) इन विनियमों में निर्दिष्ट संबद्ध आचार-संहिता और इसमें आगे दिया गया "संहिता" के रूप में निर्दिष्ट तरीका -

(क) "निकटता" के सिद्धांत पर आधारित प्राकृतिक गैस के परिवहन और विपणन दोनों कार्यकलाप करने के उद्देश्य से कंपनी और उसकी संबद्ध कंपनी के बीच बातचीत; या

(ख) "निकटता" के सिद्धांत का पालन करते हुए कंपनी द्वारा स्वयं प्राकृतिक गैस के परिवहन और विपणन के कार्यकलापों दोनों में संलग्न रहना।

- (2) इस संहिता का उद्देश्य यह सुनिश्चित करना है कि -

- (क) जब कंपनी प्राकृतिक गैस के परिवहन और विपणन दोनों कार्यकलापों में स्वयं संलग्न हो और अपनी संबद्ध कंपनी के साथ कार्य करते हुए उपभोक्ताओं और अन्य कंपनियों के हितों की रक्षा हो;
- (ख) कंपनी द्वारा स्वयं या अपनी संबद्ध कंपनी के साथ प्राकृतिक गैस के विपणन कार्यकलापों सहित विनियमित कार्यकलाप और किसी अन्य गैर-विनियमित कार्यकलाप के बीच लागत की क्रॉस सब्सिडी को रोका जा सके, जो कंपनियों के बीच उचित व्यापार और प्रतिस्पर्धा पर प्रतिकूल प्रभाव डालती है या जिसमें प्रतिकूल प्रभाव डालने की संभावना हो;
- (ग) विनियमित कार्यकलाप के लिए कंपनी द्वारा स्वयं या अपनी संबद्ध कंपनी द्वारा अधिमान पहुंच की अनुमति न दी गई हो; और
- (घ) प्राकृतिक गैस का स्वच्छ और प्रतिस्पर्धी विपणन विकसित किया गया हो।

5. लेखाकरण पृथक्करण की मात्रा

- (1) कंपनी उन मामलों में विनियमित कार्यकलाप से संबंधित अलग वित्तीय रिकार्ड और लेखा पुस्तकों का रखरखाव करके लेखा और वित्त का अलग-अलग हिसाब रखना सुनिश्चित करेगी जहां :-
 - (क) कंपनी की संबद्ध कंपनी प्राकृतिक गैस का विपणन कर रही है या किए जाने का प्रस्ताव है; या
 - (ख) कंपनी प्राकृतिक गैस के परिवहन और विपणन, दोनों कार्यकलाप स्वयं कर रही है या करने का प्रस्ताव है।
- (2) कंपनी यह सुनिश्चित करेगी कि उप-विनियम (1) के अन्तर्गत विनियमित कार्यकलाप के संबंध में लेखा और वित्त का अलग-अलग हिसाब करते हुए प्रत्यक्ष और अप्रत्यक्ष, दोनों लागतों का आबंटन विनियमित कार्यकलाप को पारदर्शी तरीके से और किसी अन्य गैर-विनियमित कार्यकलाप के संबंध में लागत की क्रॉस सब्सिडी के बिना हो।
- (3) कंपनी भारतीय सनदी लेखाकार संस्थान और कम्पनी अधिनियम, 1956 के लेखाकरण मानकों और दिशा-निर्देशों का पालन करेगी और बोर्ड उचित समझे जाने पर कंपनी द्वारा अपनाए गए लागत आबंटन आधार की उपयुक्तता की जांच करेगा।

6. उपभोक्ता सूचना की गोपनीयता

- (1) कंपनी किसी सम्बद्ध कंपनी को उसकी लिखित सहमति के बिना ग्राहक से संबंधित निम्नलिखित जानकारी के अलावा कोई जानकारी नहीं देगी :-

- (i) बिल बनाने या विपणन प्रचालन प्रयोजनों के लिए।
 - (ii) कानून लागू करने के प्रयोजन के लिए।
 - (iii) ग्राहक के पिछले बकाया लेखें, जिन्हें बकाया वसूली एजेंसी को भेज दिया गया हो।
 - (iv) जहां जानकारी को पर्याप्त रूप से इकट्ठा कर दिया गया हो ताकि किसी ग्राहक विशेष के बारे में जानकारी न हो सके।
- (2) जहां कोई कंपनी किसी सम्बद्ध कंपनी के साथ सूचना सेवाओं का आदान-प्रदान करती है वहां सम्बद्ध कंपनी तथा समस्त सूचना पहुंचने और किसी कंपनी की सूचना पहुंचने से संरक्षित किया जाएगा जिसमें उपयुक्त कंप्यूटर डाटा प्रबंधन और आंकड़ा प्राप्ति प्रोटोकॉल के साथ-साथ किसी प्रोटोकॉल को प्राप्त करने को भंग करने के संबंध में संविदागत प्रावधान शामिल होंगे।

7. साझी निगमित सेवाएं

कोई कंपनी साझी महत्वपूर्ण निगमित सेवाओं के संबंध में ही अपनी संबद्ध कंपनी के कर्मचारियों का आपस में इस्तेमाल कर सकती है, बशर्ते कि यह निर्धारित हो कि ऐसे कर्मचारी न तो प्रत्यक्ष रूप से और न परोक्ष रूप से विनियमित गतिविधियों से संबंधित किसी सूचना का एकत्रीकरण, भण्डारण, समायोजन, संसाधन, पारेषण या प्राप्ति करेंगे।

8. बिना किसी भेदभाव के सेवाएं प्राप्त करना

- (1) कंपनी बिना किसी भेदभाव के आधार पर प्राकृतिक गैस के विपणन में संलग्न अन्य सभी कंपनियों को अपनी संबद्ध कंपनियों के बराबर ही मानेगी।
- (2) कंपनी यह सुनिश्चित करने के लिए उचित उपाय करेगी कि उसकी संबद्ध कंपनी अपने विपणन या प्रचार सामग्री में कंपनी की प्रणाली तक अधिमान पहुंच या अनुकूल लाभ पहुंचाने में सहायता न करे और यदि कंपनी को अपनी संबद्ध कंपनी द्वारा किसी अनुचित विपणन या प्रचार गतिविधि करने का पता चलता है तो वह कंपनी -

- (क) ऐसे उल्लंघन से प्रभावित उपभोक्ताओं को तत्काल सूचित करेगी;
- (ख) यह सुनिश्चित करने के लिए आवश्यक कदम उठाने चाहिए कि संबद्ध कंपनी इस चिंता से अवगत है; और
- (ग) ऐसे कार्यकलापों अर्थात् कंपनी द्वारा किए गए उपचारी उपाय तथा भविष्य में इसकी पुनरावृत्ति को रोकने के लिए उसके द्वारा उठाए गए कदमों के बारे में बोर्ड को सूचित करें।

- (3) कंपनी, संबद्ध कंपनी के लिए पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (प्राकृतिक गैस पाइपलाइन बिछाने, निर्माण, प्रचालन या विस्तार करने के लिए प्राधिकृत करना) विनियम 2008 के अंतर्गत प्राधिकृत प्राकृतिक गैस पाइपलाइन शुल्क के लिए आवेदन करेगी जैसा कि इसी प्रकार की गैर-संबद्ध कंपनी के मामले में लागू होता है।
- (4) कंपनी उस उपभोक्ता को संबद्ध कंपनी में हस्तांतरण नहीं करेगी या सौंपेगी जिसके लिए कंपनी विनियमित कार्यकलाप की सेवा उपलब्ध करा रही है जब तक कि उपभोक्ता ऐसे स्थानांतरण या कार्य की लिखित में अनुमति नहीं देता।
- (5) कंपनी और इसकी संबद्ध कंपनी किसी उपभोक्ता, आपूर्तिकर्ता या तृतीय पक्ष को व्यापार करने, समर्थन देने या यह सुझाव नहीं देगी कि उन्हें संबद्धता के परिणामस्वरूप विशेष प्राथमिकता प्राप्त होगी।
- (6) कंपनी किसी को भी अपने संबद्ध या गैर-संबद्ध प्रतिस्पर्धियों के बारे में कोई नकारात्मक सूचना नहीं देगी।

9. अनुपालन उपाय

- (1) कंपनी संहिता का अनुपालन सुनिश्चित करने के लिए जिम्मेदार होगी और यह -
 - (i) कंपनी द्वारा संहिता का अनुपालन सुनिश्चित करने के लिए तिमाही आधार पर आंतरिक समीक्षा का निष्पादन करेगी;
 - (ii) संहिता को अपने कर्मचारियों में परिचालित करेगी और उन्हें इसके अनुपालन से अवगत कराएगी;
 - (iii) इस संहिता पर उनके कर्मचारियों द्वारा किए गए अनुपालन की निगरानी करेगी; और
 - (iv) ऐसे अनुपालन को लागू करने वाले प्रलेखन के सत्यापन योग्य रिकार्ड को रखेगी।
- (2) कंपनी बोर्ड को वार्षिक आधार पर अनुपालन रिपोर्ट प्रस्तुत करेगी जिसमें इन विनियमों के अंतर्गत प्रावधानों को कंपनी द्वारा किए गए अनुपालन की सूचना दी जाएगी यदि -
 - (क) कंपनी परिवहन और प्राकृतिक गैस के विपणन दोनों कार्यकलापों में संलग्न है या संलग्न होने का प्रस्ताव है; या
 - (ख) कंपनी द्वारा अपनी संबद्ध कंपनी से लेनदेन किया जाता है जो प्राकृतिक गैस का विपणन कर रही है।

10. रिकार्ड रखना और आवश्यकता सूचित करना

- (1) कंपनी अद्यतन रिकार्डों को ऐसे ढंग से रखेगी ताकि इस संहिता का अनुपालन किया जा सके।
- (2) इस संहिता में निहित अन्य किसी सूचित आवश्यकता के अलावा कंपनी इन विनियमों की अधिसूचना के एक माह की अवधि के अंदर निम्नलिखित सूचना उपलब्ध कराएगी, अर्थात्
 - (क) सभी संबद्ध कंपनियों की सूची जिनके साथ कंपनी लेन-देन करती है, जिसमें व्यवसाय के पते सहित अपनी संबद्ध कंपनी के अधिकारियों और निदेशकों की सूची तथा व्यवसाय की व्याख्या शामिल है;
 - (ख) निगमित संगठन चार्ट जिसमें संबंध और स्वामित्व का प्रतिशत दर्शाया गया हो;
 - (ग) विनियमित कार्यकलाप के संबंध में कंपनी की लागत नीति जिसमें सामान्य खर्च के आबंटन के लिए कंपनी द्वारा लागू आधार शामिल है; और
 - (घ) अन्य कोई संगत सूचना जो बोर्ड द्वारा उपयुक्त समझी जाए:

बशर्ते कि कंपनी ऐसा परिवर्तन होने के एक माह की अवधि के अंदर किसी परिवर्तन के लिए खण्ड (क) से (घ) के अंतर्गत बोर्ड को उपलब्ध कराई गई सूचना को अद्यतन बनाए।
- (3) कंपनी अपनी संबद्ध कंपनियों सहित अपने विनियमित कार्यकलापों के व्यौरे को वेबसाइट पर डालेगी।

11. प्राधिकरण प्रक्रिया के दोषपूर्ण और रद्द होने के परिणाम

कंपनी इन विनियमों के अंतर्गत सभी प्रावधानों का अनुपालन करेगी और इसमें असफल रहने पर पेट्रोलियम और प्राकृतिक गैस विनियम (प्राकृतिक गैस पाइपलाइन बिछाने, निर्माण, प्रचालन या विस्तार करने के लिए कंपनियों को प्राधिकृत करना) विनियम 2008 में विनिर्दिष्ट अनुसार प्राधिकरण रद्द हो सकता है जिसमें अधिनियम के अंतर्गत अन्य कोई दण्डात्मक कार्रवाई भी शामिल होगी।

12. विविध

यदि इन विनियमों के किसी प्रावधान की व्यवस्था के संबंध में कोई विवाद उत्पन्न होता है तो बोर्ड का निर्णय अंतिम होगा।

**PETROLEUM AND NATURAL GAS REGULATORY BOARD
NOTIFICATION**

New Delhi, the 17th July, 2008

G.S.R. 540(E).—In exercise of the powers conferred by section 61 of the Petroleum and Natural Gas Regulatory Board Act, 2006 (19 of 2006), the Petroleum and Natural Gas Regulatory Board hereby makes the following regulations, namely:—

1. Short title and commencement.

- (1) These regulations may be called the Petroleum and Natural Gas Regulatory Board (Affiliate Code of Conduct for Entities Engaged in Marketing of Natural Gas and Laying, Building, Operating or Expanding Natural Gas Pipeline) Regulations, 2008.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

- (1) In these regulations, unless the context otherwise requires,
 - (a) “Act” means the Petroleum and Natural Gas Regulatory Board Act, 2006;
 - (b) “affiliate” means an associated person in relation to the entity or the entity in relation to an associated person—
 - (i) who participates directly or indirectly or through one or more intermediaries in the management or control or capital of the entity or an associated person, as the case may be;
 - (ii) who holds, directly or indirectly, shares carrying not less than 26% of the voting power in the entity or associated person, as the case may be;

- (iii) who appoints more than half of the board of directors or members of the governing board, or one or more executive directors or executive members of the governing board of the entity or the associated person, as the case may be; or
 - (iv) who guarantees not less than 10% of the total borrowings of the entity or the associated person, as the case may be.
- (c) "appointed day" means the date of October 1, 2007 when the Central Government notified the establishment of the Petroleum and Natural Gas Regulatory Board;
- (d) "Board" means the Petroleum and Natural Gas Regulatory Board established under sub-section (1) of section 3 of the Act;
- (e) "capital cost" means cost in respect of creation of a fixed asset;
- (f) "cost" means the capital cost, direct cost, financial cost, fully allocated cost or operating cost, as the case may be.
- (g) "direct cost" means cost that can reasonably be identified as cost incurred for laying, building, operating or expanding a natural gas pipeline;
- (h) "financing cost" means the cost of financing the creation of an asset or for meeting the requirements of incurring an operating cost;
- (i) "fully allocated cost" means the sum of direct costs plus a proportional share of indirect costs derived on the basis of the level of activities carried out and on consistently applied basis of allocation;
- (j) "indirect cost" means such cost which cannot be directly identified with either laying, building, operating or expanding a natural gas pipeline or marketing of natural gas and includes, but are not limited to common overhead costs, common administrative expenses and taxes;

(k) "marketing of natural gas" means the activity of selling or distribution of natural gas;

(l) "natural gas pipeline" means natural gas pipeline as defined under the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Natural Gas Pipelines) Regulations, 2008.

(m) "operating cost" means cost in respect of upkeep and maintenance of a fixed asset or service;

(2) Words and expressions used and not defined in these regulations, but defined in the Act or in the rules or regulations made thereunder, shall have the meanings respectively assigned to them in the Act or in the rules or regulations, as the case may be.

3. Application.

These regulations shall apply to an entity-

- (1) which proposes to lay, build, operate or expand natural gas pipeline and is authorized to do so under the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Natural Gas Pipelines) Regulations, 2008;
- (2) which is laying, building, operating or expanding natural gas pipeline and has been authorized to do so under the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Natural Gas Pipelines) Regulations, 2008;
- (3) which is authorized by the Central Government before the appointed day for laying, building, operating or expanding natural gas pipeline; or
- (4) which is either authorized or is directed by the Board for conversion of a dedicated pipeline into a common carrier or contract carrier under the relevant regulations:

Provided that the entity is either engaged or proposes to engage in the activity of marketing of natural gas:

- (a) either on its own;
- (b) through a division, business unit or such other categorization made for different business segments by the entity but without separating the ownership and management control of the same into another entity; or
- (c) through its affiliate.

4. Scope of affiliate code of conduct.

(1) The affiliate code of conduct referred to in these regulations and *hereinafter* referred to as the “code” sets out the manner of the-

- (a) interactions between the entity and its affiliate for the purposes of carrying out the activities of both transportation and marketing of natural gas based on the principle of “at an arm’s length”; or
- (b) engagement in both the activities of transportation and marketing of natural gas by the entity on its own by following the principle of “at an arm’s length”.

(2) The objectives of this code are to ensure-

- (a) protection of the interests of the consumers and other entities against the actions of an entity while dealing with its affiliate as also when the entity on its own is engaged in both the activities of transportation and marketing of natural gas;
- (b) prevention of cross-subsidization of the costs between the regulated activity and any other non-regulated activity including the activity of marketing of natural gas either by the entity on its own or through its affiliate which adversely affects or has the potential of adversely affecting fair trade and competition between the entities;

- (c) that there is no preferential access allowed by the entity to itself or to its affiliate for the regulated activity; and
- (d) development of a fair and competitive natural gas market.

5. Degree of accounting separation.

- (1) The entity shall ensure accounting and financial separation by maintaining separate financial records and books of accounts in respect of the regulated activity in cases where-
 - a) the affiliate of the entity is engaged or proposes to engage in the marketing of natural gas; or
 - b) the entity on its own or proposes to engage in both the activities of transportation and marketing of natural gas.
- (2) The entity shall ensure that while undertaking the accounting and financial segregation in respect of the regulated activity under sub-regulation (1), both direct and indirect costs are fully allocated to the regulated activity in a transparent manner and without any cross-subsidization of costs with any other non-regulated activity.
- (3) The entity shall adhere to the accounting standards and guidelines of The Institute of Chartered Accountants of India as well as the Companies Act, 1956 and the Board may, if it deems fit, examine the appropriateness of the basis of cost allocation followed by the entity.

6. Confidentiality of consumer information.

- (1) The entity shall not release to an affiliate any information relating to a consumer without his written consent except where such information is required to be disclosed for-
 - (i) billing or market operation purposes;

- (ii) law enforcement purposes;
 - (iii) processing of past due accounts of the consumer which have been passed on to a debt collection agency;
 - (iv) where the information has been sufficiently aggregated so that any individual consumer's information cannot reasonably be identified.
- (2) Where an entity shares information services with an affiliate, all information shall be protected from access by the affiliate and access to an entity's information services shall include appropriate computer data management and data access protocols as well as contractual provisions regarding the breach of any access protocols.

7. Shared corporate services.

An entity may share employees with its affiliate only in relation to the shared core corporate services subject to the stipulation that such employees shall neither be directly or indirectly involved in collecting, storing, collating, processing, transmitting or having access to any information which is related to the regulated activities.

8. Non-discriminatory access to services.

- (1) The entity shall treat all other entities engaged in natural gas marketing on the same non-discriminatory basis as it treats its own affiliate.
- (2) The entity shall take reasonable steps to ensure that its affiliate does not cause in its marketing or promotional material any favoured treatment or preferential access to the entity's system and in case the entity becomes aware of an inappropriate marketing or promotional activity by its affiliate, the entity shall-
 - (a) immediately notify affected consumers of such violation;
 - (b) take necessary steps to ensure that the affiliate is aware of the concern; and

- (c) inform the Board in writing of such activity, the remedial measures that were undertaken by the entity and the steps taken by the entity to prevent its re-occurrence in future.
- (3) The entity shall apply the natural gas pipeline tariff authorized under the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Natural Gas Pipelines) Regulations, 2008 to an affiliate in the same manner as is applicable to similarly placed non-affiliates.
- (4) The entity shall not transfer or assign to an affiliate a consumer for whom the entity is providing service of the regulated activity unless the consumer gives permission to such transfer or assignment in writing.
- (5) The entity and its affiliate shall not trade upon, promote, or suggest to any consumer, supplier or third-party that they may receive preferential treatment as a result of the affiliation.
- (6) The entity shall not provide to anyone any negative information about its affiliate or non-affiliate competitors.

9. Compliance measures.

- (1) The entity shall be responsible for ensuring compliance with this code and shall-
 - (i) perform an internal review on a quarterly basis establishing compliance by the entity to the code;
 - (ii) circulate the code to its employees and make them aware of its compliance;
 - (iii) monitor compliance by its employees' to this Code; and
 - (iv) maintain verifiable record of documentation establishing such compliance.
- (2) The entity shall submit the compliance report on an annual basis to the Board reporting the extent of compliance by the entity to the provisions under these regulations in case-

(a) the entity is engaged or proposes to engage in both the activities of transportation and marketing of natural gas; or

(b) of dealing by the entity with its affiliate which is marketing natural gas.

10. Record keeping and reporting requirements.

(1) The entity shall maintain updated records in a form and manner so as to be able to substantiate compliance with this code.

(2) In addition to any other reporting requirements contained in this code, the entity shall provide the following information within a period of one month of the notification of these regulations, namely:-

(a) list of all affiliates with whom the entity transacts including business addresses, list of the officers and directors and description of the business of its affiliate;

(b) corporate organization chart indicating relationships and ownership percentages;

(c) costing policy of the entity with respect to the regulated activity including the basis followed by the entity for allocation of common expenditure; and

(d) any other relevant information as deemed fit by the Board:

Provided that the entity shall update the information provided to the Board under clauses (a) to (d) for any change within a period of one month of the occurrence of such a change.

(3) The entity shall web-host the description of its regulated activities including that of its affiliates.

11. Consequences of default and termination of authorization procedure.

The entity shall abide by all the provisions under these regulations and any failure in doing so may lead to termination of the authorization in the manner specified in the Petroleum and Natural Gas Regulations (Authorizing Entities to Lay, Build, Operate or Expand Natural Gas Pipelines) Regulations 2008 including any other penal action under the Act.

12. Miscellaneous.

If any dispute arises with regards to the interpretation of any of the provisions of these regulations, the decision of the Board shall be final.

[F, No. S-Admn./II/8/2007-Vol. 1]

AJAY TYAGI, Secy.

अधिसूचना

नई दिल्ली, 17 जुलाई, 2008

सा.का.नि. 541(अ).—पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड अधिनियम, 2006 (2006 का 19) की धारा 61 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड एतद्वारा निम्नलिखित विनियम बनाता है, नामतः -

1. संक्षिप्त शीर्षक और प्रारंभ

- (1) इन विनियमों को पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (सामान्य वाहक या निविदा वाहक प्राकृतिक गैस पाइपलाइनों की प्राप्ति संहिता) विनियम, 2008 कहा जाएगा।
- (2) ये सरकारी राजपत्र में प्रकाशन की तारीख से लागू होंगे।

2. परिभाषाएं

- (1) इन विनियमों में जब तक कि संदर्भ में अन्यथा अपेक्षित न हो,
 - (क) "प्राप्ति व्यवस्था" का अर्थ है ट्रांसपोर्टर का वह दस्तावेज जिसमें विशेष रूप से गैस पाइपलाइन तक प्राप्ति की निबंधन और शर्तों को परिभाषित किया गया हो और ट्रांसपोर्टर की वेबसाइट पर डाला गया हो;
 - (ख) "अधिनियम" का अर्थ है पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड अधिनियम, 2006;
 - (ग) "सदृश क्षेत्र" (एएचए) का अर्थ है पाइपलाइन का वह हिस्सा जिसके अंतर्गत कैलोरीयुक्त मूल्य सहित समान विशिष्टियों सहित गैस एक विनिर्दिष्ट समयावधि में प्राप्त की जाती है या सुपुर्द की जाती है;
 - (घ) "आबंटित क्षमता" का अर्थ है शिपर और ट्रांसपोर्टर के बीच सहमत अनुसूचित अधिकतम दैनिक मात्रा;
 - (ड.) "नियत दिवस" का अर्थ है 01 अक्टूबर, 2007 का दिन, जब केन्द्र सरकार ने पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड की स्थापना करने की अधिसूचना जारी की थी;

- (च) "बोर्ड" का अर्थ है पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड अधिनियम 2006 के अंतर्गत स्थापित पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (पीएनजीआरबी);
- (छ) "बुक की गई क्षमता" का अर्थ है शिपर और ट्रांसपोर्टर के बीच हुए अनुबंध के अनुसार एक दिन में प्रवेश स्थल पर सुपुर्दगी करने या निकासी स्थल पर उठाई जाने वाली गैस की अधिकतम दैनिक मात्रा (एमडीक्यू);
- (ज) "अनुबंधित क्षमता" का अर्थ है दैनिक मासिक या वार्षिक आधार पर पाइपलाइन प्रणाली के जरिए परिवहन हेतु अनुबंधित प्राकृतिक गैस मात्रा;
- (झ) "अभिरक्षा हस्तांतरण मीटर" का अर्थ है ऐसे उपकरण या उपकरणों के समूह, जिनसे एक कंपनी से दूसरी कंपनी में अभिरक्षा के हस्तांतरण के लिए प्राकृतिक गैस की मात्रा (आयतन और ऊर्जा के अनुसार) मापी जाती है;
- (ञ) "विवाद" का अर्थ है इन विनियमों या प्राप्ति व्यवस्था के अंतर्गत या इनसे संबंधित कंपनियों के बीच उत्पन्न होने वाला विवाद या मतभेद;
- (ट) "प्रवेश स्थल" का अर्थ है वह स्थल जहां शिपर द्वारा सुपुर्द की गई गैस को प्राकृतिक गैस पाइपलाइन में डाला जाता है;
- (ठ) "निकासी स्थल" का अर्थ है वह स्थल जहां से गैस ट्रांसपोर्टर और शिपर के बीच हुई सहमति के अनुसार शिपर या अंतिम उपभोक्ता को सुपुर्दगी के लिए प्राकृतिक गैस पाइपलाइन से निकाली जाती है;
- (ड.) "अधिकतम दैनिक मात्रा" का अर्थ है किसी विशेष दिवस के दौरान चौबीस घण्टों के अंदर सुपुर्दगी के लिए अनुबंधित, बुक की गई या अनुसूचित प्राकृतिक गैस की अधिकतम मात्रा;
- (ढ) "प्राकृतिक गैस पाइपलाइन" का अर्थ है प्राकृतिक गैस के परिवहन के लिए स्पर लाइनों सहित वह पाइपलाइन जिसमें सभी संबंधित उपकरण और सुविधाएं जैसे कंप्रेसर, भण्डारण सुविधाएं, मीटर यूनिट, आदि शामिल हैं किन्तु इसमें निम्नलिखित शामिल नहीं है -
- (i) किसी विशिष्ट ग्राहक को अपनी आवश्यकता पूरा करने के लिए प्राकृतिक गैस के परिवहन के लिए बिछाई गई पाइपलाइन जो पुनः बिक्री के लिए नहीं होगी;
 - (ii) नगर की पाइपलाइनों या स्थानीय प्राकृतिक गैस वितरण नेटवर्क, जिसे पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (कंपनियों को नगर प्राकृतिक गैस वितरण नेटवर्क बिछाने, निर्माण, प्रचालन या विस्तार करने के लिए प्राधिकृत करना) विनियम, 2008 द्वारा विनियमित किया जाता है।
- (ण) "प्राकृतिक गैस पाइपलाइन खण्ड" का अर्थ है प्रवेश स्थल और निकासी स्थल या दो निकासी स्थलों के बीच प्राकृतिक गैस पाइपलाइन का हिस्सा;

- (त) "विपणनकर्ता" का अर्थ है प्राकृतिक गैस विपणन या व्यापार करने वाली कंपनी;
- (थ) "विशिष्ट-रहित प्राकृतिक गैस" का अर्थ है ऐसी प्राकृतिक गैस जो विनियम 5 के उप-विनियम (1), (4), (5), और (6) में विनिर्दिष्ट मानदण्डों के अनुरूप न हो;
- (द) "प्रचालन दबाव" का अर्थ है किसी विशिष्ट प्रवाह दर से संबंधित दबाव, जिस पर प्राकृतिक गैस पाइपलाइन का प्रचालन किया जाता है;
- (ध) "शिपर" का अर्थ है वह कंपनी जिसमें उपभोक्ता भी शामिल है जो गैस के संचरण के लिए पाइपलाइन की क्षमता का उपयोग करना चाहता है;
- (न) "प्रणाली उपयोग गैस" (एसयूजी) का अर्थ है ट्रांसपोर्टर द्वारा पाइपलाइन प्रणाली के प्रचालन और रखरखाव के लिए प्रयुक्त गैस की मात्रा, जिसमें कंप्रेसर, गैस हीटर, सघन चक्रण वाष्प या कैथोडिक सुरक्षा के लिए थर्मो इलेक्ट्रिक गैस टर्बाइन तथा पर्यवेक्षी नियंत्रण एवं आंकड़ा अर्जन प्रणाली (एससीएडीए) शामिल है किन्तु सीमित नहीं है;
- (प) "संचरण हानि" (टीएल) का अर्थ है गैस की वह मात्रा जिसका हिसाब नहीं रखा जाता चाहे कारण कुछ भी हो, जिसमें पाइपलाइन प्रणाली के नियमित प्रचालन और रखरखाव के दौरान या अभिरक्षा मीटर के ठीक न होने के कारण ब्लो डाउन, निर्गम या रिलीज शामिल होता है;
- (फ) "ट्रांसपोर्टर" का अर्थ है वह कंपनी जिसे बोर्ड या केन्द्र सरकार द्वारा प्राकृतिक गैस पाइपलाइन को बिछाने, निर्माण, प्रचालन या विस्तार करने की नियत तारीख से पूर्व प्राधिकृत किया गया हो;
- (ब) "संचरण सेवा" का अर्थ है वह सेवा जिसमें शिपर द्वारा पाइपलाइन प्रणाली के साथ-साथ एक या अधिक प्रवेश स्थलों पर उपलब्ध कराई गई गैस की सुपुर्दगी लेना तथा एक या अधिक निकासी स्थलों पर ऊर्जा के अनुसार गैस की समकक्ष मात्रा की सुपुर्दगी देना शामिल होता है जो शिपर और ट्रांसपोर्टर के बीच प्राप्ति व्यवस्था और हस्ताक्षरित अनुबंध में निर्धारित निबंधन और शर्तों तथा इन विनियमों के प्रावधानों के अनुरूप होती है;
- (भ) "माप की इकाई" का अर्थ है गैस की मात्रा के माप की इकाई, और यह मिलियन ब्रिटिश थर्मल इकाई (एमएमबीटीयू) या किलो कैलोरी में होती है।

- (2) अन्य सभी शब्द और अभिव्यक्तियां जिनका यहां प्रयोग किया गया है किन्तु परिभाषित नहीं की गई हैं, का क्रमशः वही अर्थ होगा जो उनके अधिनियम में व्यक्त किया गया है;

3. प्रयोज्यता

- (1) ये विनियम उस कंपनी पर लागू होंगे जो प्राकृतिक गैस पाइपलाइन का प्रचालन कर रही है या किए जाने का प्रस्ताव है।

- (2) कोई कंपनी जिसे बोर्ड द्वारा नियत दिवस से पूर्व पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (कंपनियों को प्राकृतिक गैस पाइपलाइन बिछाने, निर्माण, प्रचालन या विस्तार करने के लिए प्राधिकृत करना) विनियम 2008 के अंतर्गत प्राकृतिक गैस पाइपलाइन बिछाने, निर्माण, प्रचालन या विस्तार करने के लिए प्राधिकृत किया गया है या ऐसा करने के लिए केन्द्र सरकार द्वारा प्राधिकृत किया गया हो, प्रौद्योगिक-आर्थिक आधार पर पाइपलाइन में कोई नया स्थल जोड़ सकती है या किसी मौजूदा प्रवेश और निकासी स्थल को छोड़ सकती है, बशर्त कि पाइपलाइन के मौजूदा ग्राहकों पर कंपनी के निर्णय का प्रतिकूल प्रभाव न पड़े।

4. क्षमता की घोषणा

- (1) प्राकृतिक गैस पाइपलाइन की क्षमता पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (प्राकृतिक गैस पाइपलाइनों को बिछाने, निर्माण, प्रचालन या विस्तार करने के लिए प्राधिकृत करना) विनियम, 2008 के अंतर्गत नई पाइपलाइनों के लिए बोर्ड द्वारा प्राधिकृत अनुसार होगी या बोर्ड द्वारा संगत विनियमों के अंतर्गत प्राकृतिक गैस पाइपलाइन को पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (प्राकृतिक गैस पाइपलाइन शुल्क) विनियम 2008 के अंतर्गत सामान्य वाहक या निविदा वाहक घोषित किया गया हो या संगत विनियमों के अंतर्गत बोर्ड द्वारा निर्धारित किया गया हो।
- (2) ट्रांसपोर्टर प्राकृतिक गैस पाइपलाइन के प्रत्येक खण्ड, प्रवेश और निकासी स्थल-वार डिजाइन तथा पाइपलाइन की उपलब्ध क्षमता की घोषणा करेगा और उसे अनुसूची-1 में विनिर्दिष्ट प्रपत्र में तथा नियमित तौर पर प्रत्येक माह की पहली तारीख को वेबसाइट पर डालेगा तथा इस सूचना को बोर्ड को भेजने के साथ-साथ अपनी वेबसाइट पर भी डालेगा।
- (3) उप-विनियम (2) के अंतर्गत ट्रांसपोर्टर के लिए घोषित उपलब्ध क्षमता सामान्य वाहक या निविदा वाहक आधार या दोनों के इस्तेमाल के लिए उपलब्ध होगी तथा इसे विनियम 12 के अंतर्गत प्रावधानों के अनुसार आबंटित किया जाएगा।

5. गैस मापदण्ड

- (1) विनियम 3 के उप-विनियम (2) में उल्लिखित अनुसार प्राधिकृत कंपनी निम्नलिखित मापदण्डों को ध्यान में रखते हुए प्राकृतिक गैस पाइपलाइन के जरिए परिवहन किए जाने वाली प्राकृतिक गैस के लिए कैलोरीयुक्त मूल्य (सीवी) बैंड बनाएगी, अर्थात् :-
- (क) परिवहन की जाने वाली अपनी निजी प्रस्तावित प्राकृतिक गैस का सीवी;
 - (ख) प्राकृतिक गैस की सुनिश्चित अनुबंधित क्षमता का सीवी;
 - (ग) पाइपलाइन पर प्राकृतिक गैस के डाउनस्ट्रीम उपभोक्ताओं की आवश्यकताएं;
 - (घ) पाइपलाइन प्रणाली की तकनीकी आवश्यकता; और
 - (ङ.) अंतर-राज्यीय पाइपलाइन का सीवी बैंड, चाहे वह प्राकृतिक गैस की पाइपलाइन प्रणाली में आपूर्ति कर रहा हो या इस पाइपलाइन प्रणाली से प्राकृतिक गैस प्राप्त कर रहा हो।

- (2) ट्रांसपोर्टर बोर्ड को अवगत करते हुए विनियम 3 के उप-विनियम (2) में उल्लिखित अनुसार बोर्ड द्वारा प्राधिकृत किए जाने के एक माह की अवधि के अंदर अपनी वेबसाइट पर उप-विनियम (1) में उल्लिखित सीवी बैंड का प्रकाशन करेगा।

बशर्त कि इन विनियमों के प्रकाशन से पूर्व प्राधिकृत कंपनियां इन विनियमों के प्रकाशन की तारीख से एक माह की अवधि के अंदर सीवी बैंड का प्रकाशन करेंगी।

- (3) उप-विनियम (1) में उल्लिखित सीवी बैंड बिना भेदभाव के सभी शिपर पर लागू होगा।
- (4) ट्रांसपोर्टर गैस आपूर्तियों के नए प्रमुख स्रोत या नए उपभोक्ताओं को ध्यान में रखते हुए प्राकृतिक गैस के सीवी बैंड की समय-समय पर समीक्षा कर सकता है:

बशर्त कि इस प्रकार अद्यतन बनाए गए सीवी बैंड का किसी मौजूदा शिपर पर प्रतिकूल प्रभाव न पड़े:

आगे इस शर्त पर कि ट्रांसपोर्टर द्वारा किए गए ऐसे उन्नयन की जानकारी उसके द्वारा तत्काल बोर्ड को देने के साथ-साथ अपनी वेबसाइट पर भी डाली जाएगी।

- (5) प्राकृतिक गैस में अन्य तत्वों जैसे सीओ₂, सीओ, एच₂एस, एन₂, ओ₂, जल ओसांक हाइड्रोकार्बन ओसांक, आदि की प्रवेश सीमा अनुसूची-11 में दिए अनुसार होगी।
- (6) ट्रांसपोर्टर दबाव और तापमान की स्वीकार्य श्रेणी को दर्शाते हुए गैस हाइड्रोलिक्स के अनुसार प्रवेश स्थलों पर गैस मानदण्डों को परिभाषित करेगा और उसे ट्रांसपोर्टर की वेबसाइट पर डाला जाना चाहिए।
- (7) शिपर उप-विनियम (1), (4) से (6) में विनिर्दिष्ट सभी मानदण्डों के अनुरूप गैस की आपूर्ति करेगा तथा ट्रांसपोर्टर गैस को उप-विनियम (1), (4) और (5) में विनिर्दिष्ट अनुसार गैस के मानदण्डों के अनुरूप निकासी स्थल पर गैस की सुपुर्दगी करेगा।

बशर्त कि दबाव और तापमान शिपर और ट्रांसपोर्टर के बीच हुए अनुबंध के अनुसार होगा।

6. प्रणाली प्रयोग गैस (एसयूजी), लाइन पैक (एलपी) और संचरण हानि (टीएल)

यदि ट्रांसपोर्टर को पाइपलाइन में अपनी पैकिंग क्षमता के अनुपात में विद्यमान बाजार मूल्य पर एसयूजी, एलपी और टीएल की आवश्यकता होती है तो शिपर द्वारा गैस उपलब्ध कराई जाएगी:

बशर्त कि ट्रांसपोर्टर इस गैस को किसी भी स्रोत से व्यवस्था करने के लिए स्वतंत्र होगा।

7. गैस का माप

- (1) ट्रांसपोर्टर विनियम 9 में विनिर्दिष्ट अनुसार सतत आधार पर गैस संचटन कैलोरीयुक्त मूल्य, दबाव और तापमान को मापने के लिए प्रवेश और निकासी स्थल पर उपकरणों का प्रावधान सुनिश्चित करेगा।

- (2) ट्रांसपोर्टर प्राकृतिक गैस पाइपलाइन को अनेक "सदृश क्षेत्रों" (एएचए) में विभाजित करेगा तथा प्रत्येक एएचए में गैस क्रोमोटोग्राफ (जीसी) द्वारा लगातार गुणवत्ता मापदण्डों को मापेगा।
- (3) एएचए के सभी निकासी स्थलों के लिए उप-विनियम (1) और उप-विनियम (2) में उपलब्ध कराए गए अनुसार सीवी और गैस गुणवत्ता का माप बिल बनाने और अन्य ठेकागत प्रयोजनों के लिए पर्याप्त होगा।
- (4) कुल दोष सीमा और उपकरण मापने की सटीकता दोनों कंपनियों के बीच हुई सहमति के अनुसार होगी, जो विनियमों के माध्यम से बोर्ड द्वारा निर्धारित किसी अनिवार्य विशिष्टियों, यदि कोई हों, के अधीन होगी।
- (5) ट्रांसपोर्टर संगत संहिताओं और मानकों के अनुसार मापक उपकरण का सत्यापन, अंशशोधन या जांच कराएगा।
- (6) शिपर या ट्रांसपोर्टर अपेक्षित स्थलों पर इस पूर्व-शर्त के साथ जांच मीटर लगाएंगे कि अभिरक्षा हस्तांतरण उद्देश्य के लिए कंपनी द्वारा स्थापित माप उपकरण के साथ कोई छेड़छाड़ नहीं की जाएगी।
- (7) गैस का लेखा-जोखा दैनिक आधार पर किया जाएगा और गैस समन्वय, बिलिंग और अन्य शर्तें कंपनियों के बीच लिए गए निर्णय के अनुसार होंगी।

8. प्रवेश स्थल और निकासी स्थल पर बाध्यताएं

- (1) यदि शिपर द्वारा प्रवेश स्थल पर की गई प्राकृतिक गैस की सुपुर्दगी सीवी बैंड और गैस के अन्य तत्वों के प्रारंभिक स्तर के संबंध में विनियम 5 के उप-नियम (1), (4) से (6) में विनिर्दिष्ट अनुसार गुणवत्ता आवश्यकताओं को पूरा नहीं करती, तो ट्रांसपोर्टर :

(क) उसे स्वीकार करने से मना कर सकता है; या

(ख) ऐसी गैस को स्वीकार कर सकता है जो गैस मापदण्डों के अनुसार गैस की आवश्यकता पूरी न करती हो -

- (i) जैसा कि अनुसूची-11 में विनिर्दिष्ट किया गया हो:

बशर्त कि ट्रांसपोर्टर पाइपलाइन को साफ करने या उसकी संपूर्ण आवश्यकता के लिए और गैस को पाइपलाइन विशिष्टियों के अनुरूप उन्नत बनाने के लिए परस्पर सहमति के अनुसार शिपर से उपयुक्त सेवा लागत ले सकता है;

आगे इस शर्त पर कि ऐसी विशिष्टि-रहित प्राकृतिक गैस का प्रवेश स्थलों पर ट्रांसपोर्टर द्वारा प्रतिबद्ध मौजूदा ग्राहकों की गुणवत्ता विशिष्टियों पर इसका कोई प्रतिकूल प्रभाव नहीं पड़ेगा।

- (ii) विनियम 5 के उप-विनियम (1) और (4) में विनिर्दिष्ट अनुसार:
बशर्त कि ट्रांसपोर्टर ऐसी गैस के परिवहन और प्रणाली में क्षमता नियंत्रण के लिए शिपर से क्षमता समायोजन हेतु उपयुक्त सेवा लागत ले सकता है।

आगे इस शर्त पर कि ऐसी विशिष्ट-रहित प्राकृतिक गैस का निकासी स्थलों पर ट्रांसपोर्टर द्वारा प्रतिबद्ध मौजूदा ग्राहकों की गुणवत्ता विशिष्टियों पर इसका कोई प्रतिकूल प्रभाव नहीं पड़ेगा।

- (2) यदि प्रवेश स्थल पर ट्रांसपोर्टर द्वारा दी गई गैस विनियम 5 के उप-विनियम (7) में विनिर्दिष्ट अनुसार गुणवत्ता आवश्यकताओं को पूरा नहीं करती है तो शिपर -

(क) सुपुर्दगी लेने से मना कर सकता है और ऐसी स्थिति में ट्रांसपोर्टर को संविदा की शर्तों के अनुसार शिपर को परिसम्पत्ति हरजाना देना होगा; या

(ख) गैस ली जाती है तो ऐसी स्थिति में ट्रांसपोर्टर द्वारा कोई प्रभार नहीं दिया जाएगा।

9. प्रवेश स्थल और निकासी स्थल पर सुविधाएं

- (1) शिपर पाइपलाइन प्रणाली पर प्रवेश स्थल पर गैस की सुपुर्दगी की व्यवस्था करेगा और ट्रांसपोर्टर को अभिरक्षा के हस्तांतरण तथा गैस की सुपुर्दगी के लिए अपेक्षित माप उपकरणों सहित सभी सुविधाएं उपलब्ध कराएगा जब तक कि अन्यथा शिपर और ट्रांसपोर्टर के बीच सहमति न हुई हो।
- (2) ट्रांसपोर्टर शिपर के खर्च पर प्रवेश स्थल पर शिपर की सुविधा उपलब्ध कराएगा।
- (3) शिपर या उसका प्राधिकृत नामिती अपने खर्च और जोखिम पर प्रवेश स्थलों के अपस्ट्रीम पर सुविधाएं उपलब्ध कराएगा, प्रचालन और रखरखाव करेगा जब तक कि ट्रांसपोर्टर द्वारा सुविधाएं एक पृथक संविदा के अंतर्गत उपलब्ध न कराई जाएं।
- (4) ट्रांसपोर्टर शिपर को अभिरक्षा के हस्तांतरण और गैस की सुपुर्दगी के लिए प्रवेश स्थल पर माप उपकरणों सहित सुविधा उपलब्ध कराएगा और सुविधाओं का प्रचालन करेगा जब तक कि अन्यथा शिपर और ट्रांसपोर्टर द्वारा इस पर सहमति न हो तथा प्रवेश स्थल गैस मानदण्डों पर शिपर और ट्रांसपोर्टर के बीच परस्पर सहमति हो।
- (5) ट्रांसपोर्टर शिपर के खर्च पर निकास स्थल पर शिपर की सुविधा के साथ ट्रांसपोर्टर की सुविधा में सामंजस्य स्थापित करेगा।

- (6) शिपर स्थल उपलब्ध कराएगा और किसी विशिष्ट निकासी स्थल सुविधाओं की स्थापना, प्रचालन, रखरखाव और सुधार करने में ट्रांसपोर्टर के साथ सहयोग करेगा जब शिपर के परिसर में ऐसी निकासी सुविधाएं उपलब्ध कराई जाएंगी।
- (7) शिपर प्राकृतिक गैस पाइपलाइन में सुपुर्दगी स्थल पर विद्यमान मानक और विशिष्टियों के अनुरूप जांच मीटर उपलब्ध कराएगा :
बशर्ते कि ट्रांसपोर्टर और शिपर के मीटर में रिडिंग में कोई अन्तर पाए जाने की स्थिति में ट्रांसपोर्टर के मीटर की रिडिंग को अंतिम माना जाएगा।
- (8) मीटर की रिडिंग में कोई विवाद होने पर मीटर की जांच और प्रमाणन बोर्ड द्वारा अनुमोदित अनुसार किसी प्राधिकृत तृतीय पक्ष द्वारा की जाएगी।
- (9) ट्रांसपोर्टर के मीटर में कोई खराबी पाए जाने पर उसके खर्च को ट्रांसपोर्टर द्वारा वहन किया जाएगा और यदि मीटर में कोई खराबी नहीं पाई जाती है तो खर्च शिपर द्वारा वहन किया जाएगा।

10. पाइपलाइन क्षमता बुकिंग

- (1) एक से अधिक शिपर प्रवेश या निकासी स्थल पर क्षमता बनाए रख सकते हैं।
- (2) बुक की गई क्षमता एमडीक्यू के रूप में "प्राप्ति व्यवस्था" के अंतर्गत शिपर और ट्रांसपोर्टर के बीच एक निविदा के माध्यम से निर्धारित होगी।
- (3) शिपर से प्राप्ति हेतु अनुरोध प्राप्त होने पर इसे शिपर से अनुरोध प्राप्त होने के तीन दिन के अन्दर कार्रवाई करते हुए -
 - (क) पुष्टि करनी चाहिए कि अतिरिक्त क्षमता, अनुरोध को पूरा करने के लिए पर्याप्त है और वह उन प्रभारों एवं निबंधन तथा शर्तों का उल्लेख करेगा जिन पर वह इन्हें उपलब्ध कराएगा;
 - (ख) यह सलाह देगा कि अतिरिक्त क्षमता अनुरोध को पूरा करने के लिए पर्याप्त नहीं है।
 - (ग) यह सलाह देगा कि शिपर द्वारा उपलब्ध कराए गए आंकड़ों के तकनीकी अध्ययन की आवश्यकता है ताकि उनके अनुरोध को पूरा किया जा सके और ऐसा अध्ययन, अनुरोध के प्राप्त होने की तारीख से सात दिनों के अंदर किया जाएगा; या
 - (घ) यह सलाह देगा कि प्राप्ति उपलब्ध कराना तकनीकी या प्रचालन की दृष्टि से व्यावहारिक नहीं है।
- (4) शिपर बुक की गई क्षमता के अनुसार अन्य शिपर को क्षमता रिलीज कर सकता है।

- (5) शिपर उसके द्वारा बुक की गई आंशिक या पूर्ण क्षमता दे सकता है या खुले बाजार में व्यापार कर सकता है तथा ट्रांसपोर्टर किसी व्यक्ति या कंपनी, जो वैध निविदा के आधार पर वास्तविक सुपुर्दगी लेना चाहती है, को वास्तविक शर्तों पर क्षमता की सुपुर्दगी करेगा।
- (6) परिवहन के लिए प्राकृतिक गैस के नामांकन में शिपर और ट्रांसपोर्टर के बीच अनुसूची पर हुई सहमति के अनुसार दैनिक-नामांकित मात्राओं के आधार पर एक या अधिक दिनों के गैस प्रवाह का संभावित व्यौरा शामिल होगा।
- (7) गैस का लेखा-जोखा ऊर्जा शर्तों के अनुसार होगा और आईएसओ 6976-1:1983 (ई) में परिभाषित अनुसार सकल कैलोरीयुक्त मूल्य पर आधारित होगा।

11. दो सामान्य वाहकों के बीच आंतरिक कनेक्शन या संविदा वाहक प्राकृतिक गैस पाइपलाइन

- (1) दो सामान्य वाहकों के बीच परस्पर संबंध या संविदा वाहक पाइपलाइन प्रणालियों की या तो ट्रांसपोर्टर या शिपर को आवश्यकता होगी तथा ऐसे आंतरिक कनेक्शन की तभी अनुमति दी जाएगी बशर्ते कि सामान्य प्राप्ति वाहक पाइपलाइन में क्षमता उपलब्ध हो और जब यह प्रचालन तथा तकनीकी दृष्टि से व्यवहार्य हो।
- (2) पाइपलाइनों को परस्पर जोड़ने की गैस गुणवत्ता विशिष्टियां संगत होनी चाहिए।
- (3) ऐसे आंतरिक कनेक्शन प्वाइंट की लागत उस कंपनी द्वारा वहन की जाएगी जिसने आंतरिक कनेक्शन की ऐसी आवश्यकता की मांग की है तथा आंतरिक कनेक्शन की लागत में सामान्य वाहक प्रणाली में प्राकृतिक गैस प्राप्त करने के लिए प्रचालन आवश्यकताओं को पूरा करने हेतु कंप्रेशन उपकरणों की लागत शामिल होगी।
- (4) आंतरिक कनेक्शन सुविधाएं उस ट्रांसपोर्टर द्वारा स्थापित कराई जाएंगी जिसके पास गैस प्राप्त करने की प्रणाली है।
- (5) आंतरिक कनेक्शन प्वाइंट पर ट्रांसपोर्टर और शिपर के बीच परस्पर सहमति बनाई जाएगी।
- (6) पाइपलाइन नेटवर्क का आंतरिक कनेक्शन मौजूदा पाइपलाइन में निकास स्थल को जोड़ने जैसा है और ऐसे आंतरिक कनेक्शन के लिए ऐसे सभी प्रावधान लागू होंगे।
- (7) सामान्य वाहक पाइपलाइन प्राप्त करने वाली प्राधिकृत कंपनी आंतरिक कनेक्शन का अनुरोध अस्वीकार करने की स्थिति में बोर्ड को सूचित करेगी।

12. प्राप्ति उपलब्ध कराने की पद्धति

- (1) शिपर और ट्रांसपोर्टर के बीच अनुबंधित क्षमता उस गैस मात्रा के लिए होगी जो अपनी सुनिश्चित क्षमता से अधिक नहीं होगी और ट्रांसपोर्टर द्वारा अनुबंधित यह औसत मात्रा एक वर्ष से अधिक की अवधि के लिए होगी।



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पेट्रोलियम और प्राकृतिक गैस नियामक बोर्ड अधिसूचना

नई दिल्ली, 26 नवम्बर, 2007

सा.का. नि. 731 (अ)—पेट्रोलियम और प्राकृतिक गैस नियामक बोर्ड अधिनियम, 2006 (2006 का 19) के खंड 61 के उप-खंड (2) की धारा (क) में वर्णित शक्तियों का प्रयोग करते हुए पेट्रोलियम और प्राकृतिक गैस नियामक बोर्ड नामतः निम्नलिखित नियम बनाता है :

अध्याय 1

आरंभिक

1. संक्षिप्त शीर्ष और प्रारंभ : (1) इन नियमों को पेट्रोलियम और प्राकृतिक गैस नियामक बोर्ड (बोर्ड की बैठकें) नियामक, 2007 कहा जाएगा।

(2) ये नियम सरकारी राजपत्र में इनके प्रकाशित होने की तिथि से प्रभावी होंगे।

2. परिभाषाएं : इन नियमों में जब तक संदर्भ में अन्यथा अपेक्षित न हो, तब तक—

(क) "अधिनियम" का अर्थ है पेट्रोलियम और प्राकृतिक गैस नियामक बोर्ड अधिनियम, 2006।

(ख) "बोर्ड" का अर्थ है इस अधिनियम के खंड 3 के उप-खंड (1) के अधीन स्थापित पेट्रोलियम और प्राकृतिक गैस नियामक बोर्ड।

(ग) "अध्यक्ष" का अर्थ है इस अधिनियम के खंड 4 के अंतर्गत नियुक्त बोर्ड का अध्यक्ष।

(घ) "सदस्य" का अर्थ है इस अधिनियम के खंड 4 के अंतर्गत नियुक्त बोर्ड का सदस्य।

(2) यहाँ पर प्रयुक्त अन्य वे सभी शब्द एवं अभिव्यक्तियाँ जिनको परिभाषित नहीं किया गया है उनका वही अर्थ होगा जो अधिनियम में दिया गया है।

(3) जब तक इन नियमों में अथवा अधिनियम में परिभाषित न हो सामान्य धारा अधिनियम के समय-समय पर यथासंशोधित प्रावधान इन नियमों पर लागू होंगे।

अध्याय II

बोर्ड की बैठकें

3. बोर्ड की बैठकें बुलाना.—(1) अध्यक्ष द्वारा अथवा उनका पद खाली होने से या उनके निदेशानुसार बोर्ड के वरिष्ठतम सदस्य द्वारा, जिसका निर्धारण बोर्ड में नियुक्ति की तिथि से होगा, वर्ष की प्रत्येक तिमाही में कम से कम एक बार बोर्ड की बैठक बुलाई जाएगी।

यह भी प्रावधान होगा कि सदस्यों की नियुक्ति की तिथि एक ही होने की स्थिति में आयु में वरिष्ठ सदस्य को दूसरे सदस्य से वरिष्ठ माना जाएगा।

(2) अध्यक्ष को बैठक बुलाने के लिए किन्हीं दो सदस्यों की आवश्यकता होगी तथा तदनुसार अध्यक्ष कभी भी बोर्ड की बैठक बुला सकता है।

4. बोर्ड की बैठकों की अध्यक्षता : अध्यक्ष या यदि अध्यक्ष किसी कारण से बैठक में उपस्थित नहीं है तो उपस्थित वरिष्ठतम सदस्य बैठक की अध्यक्षता करेगा।

5. बोर्ड की बैठक का स्थान एवं समय : बोर्ड की बैठक भारत में ऐसे स्थान एवं समय पर होगी जैसा कि बैठक बुलाने की सूचना में विनिर्दिष्ट किया गया है।

6. बोर्ड की बैठक के लिए सूचना : (1) बोर्ड की प्रत्येक बैठक के लिए सचिव अथवा किसी अन्य अधिकारी द्वारा जिसे अध्यक्ष द्वारा प्राधिकृत किया गया हो, कम से कम 7 दिन की सूचना दी जाएगी तथा यह सूचना कार्यसूची के कोगजात सहित सभी सदस्यों को कम से कम 7 दिन पूर्व परिचालित की जाएगी।

यह भी प्रावधान है कि यदि बोर्ड की कोई आपातकालीन बैठक बुलाई जानी है तो 7 दिन की सूचना आवश्यक नहीं होगी। तथापि, सदस्यों को इतना पर्याप्त समय दिया जाएगा कि वह बैठक में भाग ले सकें।

यह भी प्रावधान किया गया है कि सदस्यों को परिचालन के माध्यम से भी कोई संकल्प पारित किया जा सकता है अथवा कोई निर्णय लिया जा सकता है।

(2) अध्यक्ष अथवा बैठक की अध्यक्षता करने वाले सदस्य और उपस्थित सदस्यों के बहुमत की सहमति के बिना बोर्ड की बैठक में उस कारोबार के अतिरिक्त जिसके लिए यह बैठक बुलाई गई है, किसी अन्य कारोबार पर चर्चा नहीं की जाएगी।

7. आवश्यक कोरम और मतदान : (1) कारोबार के लेन-देन के लिए बोर्ड की किसी बैठक में अध्यक्ष अथवा उनकी अनुपस्थिति में बैठक की अध्यक्षता करने वाले सदस्य सहित तीन सदस्यों की उपस्थिति को कोरम माना जाएगा।

(2) बोर्ड की किसी बैठक में प्रस्तुत सभी प्रश्न उपस्थित एवं मतदान करने वाले सदस्यों के बहुमत से तय किए जाएंगे तथा बराबर मत होने पर अध्यक्ष, अथवा उसकी अनुपस्थिति में बैठक की अध्यक्षता करने वाले सदस्य को दूसरा अथवा निर्णायक मत डालने का अधिकार होगा।

8. अनुपस्थिति अवकाश : बैठक में अनुपस्थित किसी सदस्य को बोर्ड अनुपस्थिति अवकाश दे सकता है और इस प्रकार के अवकाश को बैठक के कार्यवृत्त में दर्ज दिया जाएगा।

9. बैठक का कार्यवृत्त : (1) बोर्ड सभी बैठकों का कार्यवृत्त इस उद्देश्य हेतु रखी गई बही में रखेगा जिसे विधिवत क्रमांकित खुले पन्नों के बाइंडर के रूप में भी रखा जा सकता है।

(2) बोर्ड की प्रत्येक बैठक के कार्यवृत्त की एक प्रति यथासंभव शीघ्र सदस्यों को परिचालित की जाएगी। कार्यवृत्त अध्यक्ष अथवा आगामी बैठक की अध्यक्षता करने वाले सदस्य द्वारा हस्ताक्षरित की जाएगी तथा उसे उसके बाद अभिलेख पर लिया जाएगा।

10. कार्यवृत्त बही, सामान्य मुहर आदि की अभिरक्षा : बोर्ड का सचिव सामान्य मुहर, बैठक का उपस्थिति रजिस्टर, कार्यवृत्त बही तथा बोर्ड की बैठक से संबंधित अन्य दस्तावेज/अभिलेख आदि की अभिरक्षा रखेगा।

अध्याय III

सदस्यों की बाध्यताएं

11. कुछ मामलों में सदस्यों की सहभागिता का न होना : प्रत्येक सदस्य बोर्ड की किसी बैठक में विचारार्थ आने वाले ऐसे किसी मामले में जिसमें वह प्रत्यक्ष अथवा अप्रत्यक्ष रूप से संबंधित है, इसकी जानकारी होते ही बोर्ड की ऐसी बैठक में अपने हित की प्रकृति का खुलासा कर देगा तथा इस प्रकार से खुलासे को बोर्ड की कार्यवाही में अभिलेखित किया जाएगा तथा ऐसे मामले के संबंध में सदस्य बोर्ड की किसी चर्चा या निर्णय में भाग नहीं लेगा।

व्याख्या : इस नियामक में संदर्भित प्रत्यक्ष अथवा अप्रत्यक्ष में किसी सदस्य का स्वयं का या कंपनी अधिनियम, 1956 (1956 का 1) की खंड 6 की परिभाषा के अर्थ के दायरे में उसके किसी रिश्तेदार के माध्यम से अथवा उस कंपनी का भागीदार या निदेशक होना शामिल है।

12. अयोग्यता की सूचना देने के लिए सदस्य की बाध्यता : (1) कोई भी सदस्य इस अधिनियम के खंड 7 में विनिर्दिष्ट किसी अयोग्यता का शिकार हो जाने पर यथाशीघ्र उसकी सूचना बोर्ड को देगा।

(2) किसी सदस्य द्वारा उपर्युक्त (1) में वर्णित अयोग्यता को आकर्षित करने की स्थिति में बोर्ड इसकी सूचना केन्द्र सरकार को देगा।

[एस. प्रशा./II/8/8007-खण्ड-]

अजय त्यागी, सचिव

PETROLEUM AND NATURAL GAS REGULATORY BOARD

NOTIFICATION

New Delhi, the 26th November, 2007

S.O. 731 (E).—In exercise of the powers conferred by clause (a) of Sub-section of (2) Section 61 of the Petroleum and Natural Gas Regulatory Board Act, 2006 (19 of 2006), the Petroleum and Natural Gas Regulatory Board hereby makes the following regulations, namely :—

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(1) These regulations may be called The Petroleum and Natural Gas Regulatory Board (Meetings of the Board) Regulations, 2007.

(2) These regulations shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—(1) In these regulations, unless the context otherwise requires,—

(a) "Act", means the Petroleum and Natural Gas Regulatory Board Act, 2006;

(b) "Board", means the Petroleum and Natural Gas Regulatory Board established under Sub-section (1) of Section 3 of the Act;

(c) "Chairperson", means the Chairperson of the Board appointed under Section 4 of the Act;

(d) "Member", means a Member of the Board appointed under Section 4 of the Act.

(2) All other words and expressions used herein but not defined shall have the same meanings respectively assigned to them in the Act.

(3) Unless defined herein or in the Act, the provisions of the General Clauses Act, 1897 as amended from time to time shall apply to these regulations.

CHAPTER II

Meetings of the Board

3. Convening of Board meetings.—(1) Meetings of the Board shall be convened at least once in each quarter of the year by the Chairperson or in his absence on account of the post being vacant or as may be directed by him/her, by the senior most Member reckoned from the date of appointment to the Board :

Provided that in case of common date of appointment of Members, the Member senior in age shall be considered as senior to the other Members.

(2) Any two Members may require the Chairperson to convene a meeting of the Board at any time and the Chairperson shall convene the meeting of the Board accordingly.

4. Presiding over Board meetings.—The Chairperson or if he is unable to attend the meeting of the Board, for any reason, the senior most Member present shall preside over the meeting.

5. Place and time of Board meetings.—Meetings of the Board shall be held at such times and places in India as may be specified in the notice convening the meeting.

6. Notice for Board meetings.—(1) Not less than seven days notice shall ordinarily be given for each meeting of the Board by the Secretary (or any other Officer designated by the Chairperson) and such notice along with agenda papers shall be circulated to every Member, seven working days in advance :

Provided that if any emergency meeting of the Board is to be convened, seven days notice may not be required. However, sufficient notice shall be given to the Member to enable him to attend the meeting :

Provided further that a resolution may be passed or a decision may be taken by circulation of an agenda to the Members.

(2) No business other than that for which the meeting was convened shall be discussed at a meeting of the Board, except with the consent of the Chairperson or the Member presiding over the meeting and a majority of the Members present.

7. Quorum required and voting.—(1) Three Members of the Board including Chairperson or in his absence the Member presiding over the meeting, shall constitute the Quorum for transaction of business at a meeting of the Board;

(2) All questions which come before any meeting of the Board shall be decided by a majority vote of the Members present and voting and in the event of any equality of votes, the Chairperson, or in his absence, the Member presiding over, shall have a second or casting vote.

8. Leave of absence.—The Board may grant leave of absence to a Member not present in the meeting and such leave of absence shall be recorded in the minutes of the meeting.

9. Minutes of the meeting.—(1) The Board shall cause the minutes of all the meetings to be maintained in the books kept for the purpose, which may be in the form of binders containing loose leaves, duly numbered.

(2) A copy of the minutes of each meeting of the Board shall be circulated as soon as possible to the Members. The minutes shall be signed by the Chairperson or the Member presiding over the succeeding meeting, and taken on record thereafter.

10. Custody of the minutes book, common seal, etc.—Secretary of the Board shall keep custody of common seal, register of attendance of the meetings, minutes book, and other documents/records, etc. pertaining to the meetings of the Board.

CHAPTER III

Obligations of the Members

11. Member not to participate in meetings in certain cases.—Every Member, who is directly or indirectly concerned or interested in any matter coming up for consideration at a meeting of the Board, shall, as soon as possible, after the relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting and such disclosure shall be recorded in the proceedings of the Board and the Member shall not take any part in any deliberation or decision of the Board with respect to that matter.

Explanation.—The expression “directly or indirectly” referred to in this regulation shall include any concern or interest of a Member either by himself or through his relatives within the meaning of definition of Section 6 of the Companies Act, 1956 (1 of 1956) or by reason of being a partner, director of that concern.

12. Obligation of a Member to give information of disqualification.—(1) A Member, as soon as may be, inform the Board if he becomes subject to any of the disqualifications specified in Section 7 of the Act.

(2) The Board shall inform the Central Government, if it comes to the notice of the Board that any Member has attracted the disqualifications referred to in (1) above.

[S-Admn/II/8/8007-Vol.I]

AJAY TYAGI, Secy.

अधिसूचना

नई दिल्ली, 26 नवम्बर, 2007

सा. का. नि. 732 (अ)—पेट्रोलियम और प्राकृतिक गैस नियामक बोर्ड अधिनियम, 2006 (2006 का 19) के खंड 61 के उप-खंड (2) की धारा (क) में वर्णित शक्तियों का प्रयोग करते हुए, पेट्रोलियम और प्राकृतिक गैस नियामक बोर्ड नामतः निम्नलिखित नियम बनाता है :

1. संक्षिप्त शीर्षक और प्रारंभ : (1) इन नियमों को पेट्रोलियम और प्राकृतिक गैस नियामक बोर्ड (शुल्क एवं अन्य प्रभार उगाही) नियामक, 2007 कहा जाएगा।

(2) ये नियम सरकारी राजपत्र में इनके प्रकाशित होने की तिथि से प्रभावी होंगे।

2. परिभाषाएं : इन नियमों में जब तक संदर्भ में अन्यथा अपेक्षित न हो, तब तक—

(क) “अधिनियम” का अर्थ है पेट्रोलियम और प्राकृतिक गैस नियामक बोर्ड अधिनियम, 2006।

(ख) “बोर्ड” का अर्थ है इस अधिनियम के खंड 3 के उप-खंड (1) के अधीन स्थापित पेट्रोलियम और प्राकृतिक गैस नियामक बोर्ड।

(ग) यहाँ पर प्रयुक्त अन्य वे सभी शब्द एवं अभिव्यक्तियाँ जिनको परिभाषित नहीं किया गया है उनका वही अर्थ होगा जो अधिनियम में दिया गया है।

3. शुल्क उगाही—(1) अधिनियम के विभिन्न प्रावधानों के अंतर्गत प्रत्येक आवेदन के लिए निम्नानुसार विनिर्दिष्ट शुल्क लिया जाएगा :

अधिनियम के प्रावधानों के अंतर्गत गतिविधियाँ	शुल्क (रुपए)
अधिनियम के खंड 15 के उप-खंड (2) के अंतर्गत पंजीकरण	5,00,000
अधिनियम के खंड 17 के उप-खंड (3) के अंतर्गत प्राधिकरण	5,00,000

सीज़ीडी प्रस्ताव :

ए श्रेणी के शहर*	12,00,000
अन्य शहर**	8,00,000

पाइप लाइन प्रस्ताव :

स्पर लाइन	10,00,000
ट्रंक लाइन > या=500 किलोमीटर	15,00,000
ट्रंक लाइन > या=500 किलोमीटर	20,00,000

अधिनियम के खंड 14 के उप-खंड (4) के अंतर्गत किसी प्रविष्टि की प्रमाणित पतिलिपि प्राप्त करना 1,000 प्रति प्रविष्टि

अधिनियम के खंड 25 के उप-खंड (2) के अंतर्गत शिकायत दर्ज कराना
हस्तियाँ : 10,000 प्रति शिकायत
अन्य : 1,000 प्रति शिकायत

* 2001 की जनगणना के अनुसार एक मिलियन या अधिक जनसंख्या वाले शहर।

** 2001 की जनगणना के अनुसार एक मिलियन से कम जनसंख्या वाले शहर।

(2) शुल्क का भुगतान पेट्रोलियम और प्राकृतिक गैस नियामक बोर्ड के पक्ष में नई दिल्ली में देय डिमांड ड्राफ्ट या भुगतान आदेश द्वारा किया जाएगा।

(3) प्राप्त शुल्क की प्रविष्टि बोर्ड द्वारा बनाए गए एक रजिस्टर में की जाएगी तथा उसमें भुगतान जमा करने वाली हस्ती या शिकायतकर्ता का नाम, जमा करने का उद्देश्य, रकम, डिमांड ड्राफ्ट या भुगतान आदेश की संख्या एवं दिनांक आदि विवरण भरा जाएगा।

4. अन्य प्रभारों की उगाही.—(1) प्रचालन अवधि : जो हस्ती इस अधिनियम के प्रावधानों में शामिल पंजीकरण और/अथवा प्राधिकरण से संबंधित किसी गतिविधि का प्रचालन कर रही है वे बोर्ड को निम्नलिखित फार्मूले के अनुसार अपने टर्न ओवर पर आधारित अन्य प्रभारों का भुगतान करेगी :

टर्न ओवर	अन्य प्रभार
20,000 करोड़ रुपए तक	0.01% (2 करोड़ रुपए)
20,001 करोड़ रुपए से 50,000 करोड़ रुपए तक	0.008% (2 करोड़ रुपए + > 20,000 करोड़ का 0008%)
50,001 करोड़ रुपए से 100,000 करोड़ रुपए तक	0.005% (4.4 करोड़ रुपए + > 50,000 करोड़ का 0005%)
1,00,000 करोड़ रुपए से अधिक	0.004% (4.9 करोड़ रुपए + > 100,000 करोड़ का 0004%)

(2) निर्माण अवधि : (क) इस अधिनियम के प्रावधानों में शामिल पंजीकरण और/अथवा प्राधिकरण से संबंधित किसी गतिविधि से संबंधित हस्ती निर्माण अवधि में वित्तीय वर्ष में परियोजित निवेश के आधार पर परियोजना पर अपने पूंजी व्यय (सीएपीईएक्स) के 0.2 प्रतिशत की दर से बोर्ड को वार्षिक आधार पर अन्य प्रभारों का भुगतान करेगी जिसे वर्ष के अंत में वास्तविक व्यय के अनुसार संशोधित कर लिया जाएगा।

(ख) उपर्युक्त उप-धारा (क) के अंतर्गत किसी हस्ती द्वारा भुगतान दिए गए अन्य प्रभारों को ब्याज जमा माना जाएगा तथा जैसे ही यह हस्ती नियमित प्रचालन प्रारंभ कर देती है तथा उपर्युक्त उप-धारा (1) के अनुसार लागू अन्य प्रभारों के उपर्युक्त स्तर को प्रतिस्थापित कर देती है वैसे ही बोर्ड इसे वापिस कर देगा।

(3) उपर्युक्त प्रभार का भुगतान वार्षिक आधार पर हस्ती द्वारा वार्षिक लेखा विवरण तैयार किए जाने के 15 दिन के अंदर कर दिया जाएगा।

(4) अन्य प्रभारों का भुगतान पेट्रोलियम और प्राकृतिक गैस नियामक बोर्ड के पक्ष में नई दिल्ली में देय डिमांड ड्राफ्ट या भुगतान आदेश द्वारा किया जाएगा।

(5) प्राप्त अन्य प्रभारों की प्रविष्टि बोर्ड द्वारा बनाए गए एक रजिस्टर में की जाएगी तथा उसमें भुगतान जमा करने वाली हस्ती का नाम, तथा क्या जमा उप-धारा (1) के अंतर्गत हुआ है अथवा उप-धारा (2) के अंतर्गत, रकम, डिमांड ड्राफ्ट या भुगतान आदेश की संख्या एवं दिनांक तथा यदि भुगतान उप-धारा (2) के अंतर्गत हुआ है तो धन वापसी का विवरण भरा जाएगा।

5. शुल्क एवं अन्य प्रभारों की समीक्षा एवं संशोधन की शक्तियाँ : इन नियामकों के अंतर्गत भुगतान किए जाने वाले शुल्क एवं अन्य प्रभार के ढांचे की बोर्ड समय-समय पर समीक्षा एवं इसमें संशोधन कर सकता है। बोर्ड किसी भी समय किसी प्रभावित पक्ष के संदर्भ पर तथा पर्याप्त एवं उचित कारणों से इन नियामकों के अंतर्गत भुगतान किए जाने वाले शुल्क एवं अन्य प्रभार के ढांचे की समीक्षा एवं इसमें संशोधन कर सकता है।

6. व्याख्यापक ज्ञापन : इन नियामकों की पृष्ठभूमि तथा इन्हें जारी करने का कारण अनुबंध क में व्याख्यापक ज्ञापन में दिया गया है।

7. विवेचना : यदि इन नियामकों के प्रावधानों की विवेचना के संबंध में कोई विवाद उत्पन्न होता है तो बोर्ड का निर्णय अंतिम एवं बाध्यकारी होगा।

[एस. प्रशा./II/8/8007-खण्ड-I]

अजय त्यागी, सचिव

अनुबंध क

व्याख्यापक ज्ञापन

1. पेट्रोलियम और प्राकृतिक गैस नियामक बोर्ड अधिनियम, 2006 के खंड 61 के उप-खंड (2) की धारा (जी) बोर्ड को नियमों द्वारा निर्धारित सेवाओं पर नियमों द्वारा निर्धारित दर से शुल्क एवं अन्य प्रभारों की उगाही के लिए शक्तियाँ पदान करती है।

2. अधिनियम के तहत प्रदत्त शक्तियों को दृष्टिगत रखते हुए बोर्ड ने अधिनियम के प्रावधानों के अनुरूप विभिन्न सेवाओं/गतिविधियों

पर शुल्क एवं अन्य प्रभारों की उगाही का निर्णय लिया है जिसके लिए ये नियम बनाए गए हैं।

3. शुल्क की उगाही की आवश्यकता इस तथ्य के कारण हुई है कि बोर्ड द्वारा इतनी बड़ी संख्या में आवेदनों की छंटनी तथा उनसे जुड़ी पंजीकरण, प्राधिकरण, शिकायत आदि से संबंधित प्रक्रिया से उपलब्ध सीमित नियामक संसाधनों पर दबाव पड़ता है।

4. शुल्क की उगाही के अतिरिक्त बोर्ड को नियमों के द्वारा हस्तियों से अधिनियम के खंड 11 के अधीन विभिन्न कार्यों के लिए जाने वाले अन्य प्रभारों का स्तर भी निर्धारित करना पड़ता है। बोर्ड को पेट्रोलियम, पेट्रोलियम उत्पादों और प्राकृतिक गैस की रिफाइनिंग, प्रोसेसिंग, भंडारण, परिवहन, वितरण, विपणन आदि के नियमन करने की आवश्यकता पड़ती है ताकि उपभोक्ताओं तथा हस्तियों के हितों की रक्षा की जा सके तथा देश के सभी हिस्सों में विनिर्दिष्ट उत्पादों की पर्याप्त एवं निर्बाध आपूर्ति सुनिश्चित की जा सके और साथ ही प्रतिस्पर्धात्मक बाजार को भी प्रोन्नत किया जा सके। बोर्ड द्वारा देखे जाने वाले उद्योग का आकार विशाल है तथा इसकी प्रकृति अलग-अलग है जिसमें अब तक 10,000 किलोमीटर से अधिक लंबी उत्पाद पाइप लाइन, 6000 किलोमीटर से अधिक लंबी प्राकृतिक गैस पाइप लाइन तथा अनेक नगर गैस वितरण नेटवर्क, 19 रिफाइनरियां, 2 एलएनजी टर्मिनल, 300 से अधिक भंडारण टर्मिनल/डिपो, करीब 200 एलपीजी भराई संयंत्र, करीब 32,000 खुदरा बिक्री केन्द्र, 100 से अधिक विमानन भराई केन्द्र, 6000 से अधिक केरोसीन डीलर, 9000 एलपीजी डिस्ट्रीब्यूटरशिप आदि शामिल हैं। इस उद्योग पर नजर रखने के लिए उपलब्ध संसाधनों की सीमाओं को देखते हुए बोर्ड ने अपने विशाल एवं विविधीकृत कार्य को पूरा करने के लिए अन्य प्रभार लगाने का भी निर्णय लिया है।

NOTIFICATION

New Delhi, the 26th November, 2007

G.S.R. 732(E).—In exercise of the powers conferred by clause (g) of Sub-section (2) of Section 61 of the Petroleum and Natural Gas Regulatory Board Act, 2006 (19 of 2006), the Petroleum and Natural Gas Regulatory Board hereby makes the following regulations, namely:—

1. Short title and commencement.—(1) These regulations may be called the Petroleum and Natural Gas Regulatory Board (Levy of Fee and Other Charges) Regulations, 2007.

(2) These regulations shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these regulations, unless the context otherwise requires,—

- (a) “Act” means the Petroleum and Natural Gas Regulatory Board Act, 2006;
- (b) “Board” means the Petroleum and Natural Gas Regulatory Board established under Sub-section (1) of Section 3 of the Act; and
- (c) All other words and expressions used herein but not defined shall have the same meanings respectively assigned to them in the Act.

3. Levy of Fee.—(1) Every application under various provisions of the Act shall accompany fee as specified below:

Activity under the provisions of the Act	Fee (Rs.)
Registration under sub-section (2) of Section 15 of the Act	5,00,000
Authorisation under sub-section (3) of Section 17 of the Act—	
CGD Proposal:	
Class A city*	12,00,000
Other cities**	8,00,000
Pipeline Proposal:	
Spur lines	10,00,000
Trunk lines < or = 500 Kilometers	15,00,000
Trunk lines > 500 Kilometers	20,00,000
Obtaining a certified copy of an entry in the register under Sub-section (4) of Section 14 of the Act	1,000 per entry

Filing a complaint under Sub-section (2) of Section 25 of the Act

**Entities : 10,000 per
complaint**

**Others : 1,000 per
complaint**

*Towns with population one million and above as per 2001 Census

**Towns with population less than one million as per 2001 Census

(2) The fee shall be paid through demand draft or pay order in favour of the Petroleum and Natural Gas Regulatory Board payable at New Delhi;

(3) The fee received shall be entered into a register to be maintained by the Board with details such as name of the entity or complainant remitting the payment, purpose of remittance, amount, number and date of demand draft or pay order as the case may be.

4. **Levy of other charges.**—(1) **Operation period :** The entity who is undertaking operation of any of the activities covered under the provisions of the Act relating to registration and/or authorization, shall pay other charges to the Board on annual basis based on its turn over as per following formulation,—

Turn over	Other charges
Upto Rs. 20,000 crore	0.01% (Rs. 2 crore)
Rs. 20,001 to 50,000 crore	0.008% (Rs. 2 crore + 0.008% of > 20,000 crore)
Rs. 50,001 to 1,00,000 crore	0.005% (Rs. 4.4 crore + 0.005% of > 50,000 crore)
More than Rs. 1,00,000 crore	0.004% (Rs. 4.9 crore + 0.004% of > 1,00,000 crore)

(2) **Construction period :** (a) The entity relating to any of the activities of registration and/or authorization covered under the provisions of the Act shall pay other charges to the Board on annual basis during the construction period at the rate of 0.2 per cent of their capital expenditure (CAPEX) of the project based on projected investment in the financial year, which shall be modified at the end of that financial year as per the actual expenditure;

(b) Other charges remitted by an entity under sub-clause (a) above shall be treated as an interest free deposit and the Board shall refund such other charges once the entity commences regular operations and replaces with the appropriate level of other charges as applicable during the operation period as per sub-clause (1) above.

(3) The other charges shall be paid annually within fifteen days from the date of finalizing the annual statement of accounts by the entity.

(4) The other charges shall be paid through demand draft or pay order in favour of the Petroleum and Natural Gas Regulatory Board payable at New Delhi.

(5) The other charges received shall be entered into a register to be maintained by the Board with the details such as name of the entity remitting the payment, whether remittance under sub-clause (1) or sub-clause (2), amount, number and date of demand draft or pay order as the case may be and refund particulars in case of the remittance under sub-clause (2).

5. **Power to review and modify fee and other charges.**—The Board may from time to time, review and modify the structure of fee and other charges payable under these regulations. The Board may also at any time, on reference from any affected party, and for good and sufficient reasons, review and modify the structure of fee and other charges payable under these regulations.

6. **Explanatory Memorandum.**—The background and reasons for issuing these regulations are given in the explanatory memorandum at Annexure A.

7. **Interpretation.**—If any dispute arises with regard to the interpretation of any of the provisions of these regulations, the decision of the Board shall be final and binding.

[S-Admn/11/8/8007-Vol.I]

AJAY TYAGI, Secy.

Annexure A

EXPLANATORY MEMORANDUM

1. Clause (g) of Sub-section (2) of Section 61 of the Petroleum and Natural Gas Regulatory Board Act, 2006 empowers the Board to levy fee and other charges at such rates and in respect of such services as may be determined by regulations.

2. In view of the powers conferred under the Act, the Board has decided to levy fee and other charges for various services/activities as provided for under the Act and hence these regulations.

3. The levy of fee has been necessitated on account of the fact that scrutiny of such a large number of applications and the process associated with them pertaining to registration, authorization, complaints etc. by the Board puts pressure on scarce regulatory resources available.

4. In addition to levy of fee, the Board is also required to determine through regulations the level of "other charges" that will be charged from entities for various functions to be discharged by under Section 11 of the Act. The Board is required to regulate the refilling, processing, storage, transportation, distribution, marketing and sale of petroleum, petroleum products and natural gas so as to protect the interests of the consumers and entities and to ensure uninterrupted and adequate supply of the specified items in all parts of the country and to promote competitive markets as well. The industry overseen by the Board is vast and varied in nature, covering as of now over 10,000 km of product pipelines, over 6000 km of natural gas pipelines and a number of city gas distribution networks, 19 refineries, 2 LNG terminals, over 300 storage terminals/depots, around 200 LPG bottling plants, around 32,000 retail outlets, over 100 aviation fueling stations, over 6000 kerosene dealers, over 9,000 LPG distributorships, etc. Considering the limitation on the available resources for the purpose of overseeing this industry, the Board has also decided to levy "other charges" for discharging its vast and varied functions.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 563]

नई दिल्ली, बुधवार, अक्टूबर 31, 2012/कार्तिक 9, 1934

No. 563]

NEW DELHI, WEDNESDAY, OCTOBER 31, 2012/KARTIKA 9, 1934

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

अधिसूचना

नई दिल्ली, 30 अक्टूबर, 2012

सा.का.नि. 805(अ).—देश में और ऊर्जा की बढ़ती हुई आवश्यकता तथा प्राकृतिक गैस पर्यावरणीय अनुकूल ईंधन की मांग सीमित घरेलू गैस उत्पादन के कारण तरल प्राकृतिक गैस टर्मिनलों के विस्तार को आवश्यक बनाती है ;

और उपभोक्ता हितों के संरक्षण के लिए तरलीकृत प्राकृतिक गैस टर्मिनलों को अनिवार्य रूप से वाणिज्यिक पारदर्शिता के अधीन और किसी उपभोक्ता जो देश में प्रचारित टैरिफ पर गैस आयात करने की वांछ रखता है, को अतिरिक्त सक्षमता का प्रतिबंध करने के लिए प्रतिबद्ध होना चाहिए ;

और ऐसे तरलीकृत प्राकृतिक गैस टर्मिनलों का प्रचालन करने की स्वतंत्रता तथा बृहत्तर लोकहित में उनके प्रचालन में साम्य पहुंच तथा पारदर्शिता के बीच संतुलन का सुनिश्चय करने की आवश्यकता है जिससे देश में तरलीकृत प्राकृतिक गैस की उपलब्धता का पोषण किया जा सके ;

और पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड अधिनियम, 2006 (2006 का 19) की धारा 11 का खंड (क) तरलीकृत प्राकृतिक गैस टर्मिनलों की स्थापना या प्रचालन की वांछ रखने वाले निकायों के बीच

न्यायोचित व्यापार और प्रतिस्पर्धा के पोषण के माध्यम से उपभोक्ताओं के हित का संरक्षण करने का आदेश देता है ;

और उक्त अधिनियम की धारा 15 की उपधारा (1) यह परिकल्पना करती है कि तरलीकृत प्राकृतिक गैस टर्मिनलों की स्थापना या प्रचालन करने की वांछा रखने वाले निकायों को, पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड को उक्त अधिनियम के अधीन उनके रजिस्ट्रीकरण के लिए आवेदन करने से पूर्व, पात्रता शर्तों को पूरा करने की आवश्यकता है ;

अतः, अब उक्त अधिनियम की धारा 60 की उपधारा (2) के खंड (ड) के साथ पठित धारा 15 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निम्नलिखित नियम बनाती है, अर्थात् :-

1. संक्षिप्त नाम, लागू होना और प्रारंभ - (1) इन नियमों का संक्षिप्त नाम पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (तरलीकृत प्राकृतिक गैस टर्मिनल के रजिस्ट्रीकरण के लिए पात्रता शर्तें) नियम, 2012 है ।

(2) ये नियम उनके राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे ।

2. परिभाषाएं - इन नियमों के जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,-

(क) "अधिनियम" से पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड अधिनियम, 2006 अभिप्रेत है ;

(ख) "बोर्ड" से अधिनियम की धारा 2 के खंड (च) में परिभाषित और धारा 3 की उपधारा (1) के अधीन स्थापित पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड अभिप्रेत है ;

(ग) सभी अन्य शब्द और पद जो इन नियमों में प्रयुक्त हैं और परिभाषित नहीं हैं किन्तु अधिनियम में परिभाषित हैं, का क्रमशः वही अर्थ होगा जो उनका अधिनियम में है ।

3. रजिस्ट्रीकरण के लिए पात्रता शर्तें - (1) अधिनियम की धारा 3 की उपधारा (1) के अधीन पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड की स्थापना की तारीख के पश्चात् किसी तरलीकृत प्राकृतिक गैस टर्मिनल की स्थापना या प्रचालन की वांछा रखने वाला कोई निकाय रजिस्ट्रीकरण के लिए

बोर्ड को आवेदन करने के लिए केवल निम्नलिखित शर्तों को पूरा करने पर ही पात्र होगा, अर्थात् :-

(क) रजिस्ट्रीकरण के पश्चात् सभी समय अपनी अप्रतिबद्ध पुनः गैसीकरण क्षमता (पांच वर्ष से कम संविदा) का बीस प्रतिशत या प्रतिवर्ष 0.5 मिलियन मिट्रिक टन प्रतिवर्ष (एमएमटीपीए), इनमें से जो भी उच्चतर हो, का सामान्य वाहन क्षमता के रूप में प्रस्ताव ;

(ख) पेट्रोलियम, पेट्रोलियम उत्पादों और प्राकृतिक गैस जैसा कि बोर्ड द्वारा प्रवृत्त विनियमों द्वारा विहित किया गया है जिसके अंतर्गत वे विनियम भी हैं जो तेल उद्योग सुरक्षा निदेशालय द्वारा विहित किए गए हैं, से संबंधित सुरक्षा मानकों सहित तकनीकी मानकों और विशिष्टियों का पालन ;

(ग) पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड को, तरलीकृत प्राकृतिक गैस टर्मिनल की प्राक्कलित परियोजना लागत के एक प्रतिशत के बराबर या पच्चीस करोड़, जो भी कम हो, रकम की बैंक प्रतिभूति प्रस्तुत करना ।

[सं. एल-12018/6/2009-जीपी-II]

अरुणोदय गोस्वामी, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

NOTIFICATION

New Delhi, the 30th October, 2012

G.S.R. 805(E).—Whereas the growing energy needs and demand for natural gas green fuel in the country necessitates the expansion of liquefied natural gas terminals in view of the limited domestic gas productions;

And whereas to protect consumer interests, **liquefied natural gas terminals** must be subject to commercial transparency and committed to provide additional capacity to any consumer who desires to import gas into the country at publicised tariffs;

And whereas there is a need to ensure a balance between freedoms to operate such **liquefied natural gas terminals**, and equitable access and transparency in their operations in larger public interest, so as to foster higher availability of **liquefied** natural gas in the country;

And whereas clause (a) of section 11 of the Petroleum and Natural Gas Regulatory Board Act, 2006 (19 of 2006) mandates to protect the interest of the consumers by fostering fair trade and competition among the entities desirous of establishing or operating the **liquefied natural gas terminals**;

And whereas sub-section (1) of section 15 of the said Act envisages that the entities, desirous of establishing or operating **liquefied natural gas terminals**, need to fulfill the eligibility conditions **before** making an application to the Petroleum and Natural Gas Regulatory Board for their registration under the said Act;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 15 read with clause (e) of sub-section (2) of section 60 of the said Act, the Central Government hereby makes the following rules, namely:-

1. **Short title, application and commencement** :- (1) These rules may be called the Petroleum and Natural Gas Regulatory Board (Eligibility Conditions for Registration of Liquefied Natural Gas Terminal) Rules, 2012.

(2) These rules shall come into force on the date of their publication in the Official Gazette.

2. **Definitions** :- In these rules, unless the context otherwise requires,

(a) "Act" means the Petroleum and Natural Gas Regulatory Board Act, 2006;

(b) "Board" means the Petroleum and Natural Gas Regulatory Board defined in clause (f) of section 2 and established under sub-section (1) of section 3 of the Act;

- (c) all other words and expressions used in these rules and not defined, but defined in the Act, shall have the same meanings, respectively, assigned to them in the Act.

3. **Eligibility conditions for registration.-** (1) Any entity desirous of establishing or operating a **liquefied natural gas terminal after the date of establishment of the Petroleum and Natural Gas Regulatory Board under sub-section (1) of section 3 of the Act, shall be eligible to make an application for registration to the Board, only on fulfillment of the following conditions, namely:-**

- (a) offer at all times, after registration, 20 per cent of its short term (less than 5 year contract) uncommitted re-gasification capacity or 0.5 Million Metric Tonnes Per Annum (MMTPA), whichever is higher, as common carrier capacity;
- (b) adhere to the technical standards and specifications including safety standards in activities relating to petroleum, petroleum products and natural gas, as prescribed by the Board by regulations, which are in force, including those prescribed by the Oil Industry Safety Directorate;
- (c) furnish a bank guarantee to the Petroleum and Natural Gas Regulatory Board for an amount equal to 1 per cent of the estimated project cost of the **liquefied natural gas terminal** or Rs. 25 crore, whichever is less.

[No. L-12018/6/2009-GP-II]

ARUNODAY GOSWAMI, Under Secy.

4141 GI/12-2



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

630]
No. 630]

नई दिल्ली, बृहस्पतिवार मई 8, 2008/वैशाख 18, 1930
NEW DELHI, THURSDAY, MAY 8, 2008/VAISAKHA 18, 1930

पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय

आदेश

नई दिल्ली, 8 मई, 2008

का.आ. 1110(अ).—पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड अधिनियम, 2006 (2006 का 19)⁽¹⁾ (जिसे इसमें इसके पश्चात् अधिनियम कहा गया है), धारा 16 के उपबंधों के सिवाय, 1 अक्टूबर, 2007 को प्रवृत्त हुआ था ;

और उक्त अधिनियम की धारा 30 की उपधारा (1) में उपबंध है कि उक्त अधिनियम के उपबंधों के अधीन रहते हुए विद्युत अधिनियम, 2003 की धारा 110 के अधीन स्थापित अपील अधिकरण, इस अधिनियम के प्रयोजनों के लिए अपील अधिकरण होगा और उक्त अपील अधिकरण, इस अधिनियम के द्वारा या उसके अधीन प्रदत्त अधिकारिता, शक्तियों और प्राधिकार का पालन करेगा ;

परन्तु इस अधिनियम के प्रयोजनों के लिए अपील अधिकरण के तकनीकी सदस्य का नाम, तकनीकी सदस्य (पेट्रोलियम और प्राकृतिक गैस) होगा और धारा 31 की उपधारा (2) में विनिर्दिष्ट अर्हताएं होंगी ;

और अधिनियम की धारा 34 कथन करती है कि विद्युत अधिनियम, 2003 की धारा 120 से धारा 124 तक, अधिनियम को भी लागू होंगी । अपील अधिकरण की संरचना से सम्बन्धित विद्युत अधिनियम, 2003 की धारा 112, अधिनियम को लागू नहीं की गई है ।

और देश के सभी भागों में पेट्रोलियम, पेट्रोलियम उत्पादों और प्राकृतिक गैस के अविच्छिन्न और पर्याप्त प्रदाय को सुनिश्चित करना और प्रतियोगी बाजारों की अभिवृद्धि करना, अधिनियम की उद्देशिका में यथावर्णित अन्य उद्देश्यों में से हैं ;

और अपील अधिकरण के अध्यक्ष द्वारा अधिनियम के अधीन किसी न्यायपीठ के गठन करने के लिए शक्ति के प्रयोग करने में कठिनाई उत्पन्न होती है ;

और विद्युत अधिनियम, 2003 की धारा 122, जो अधिनियम को लागू होती है, न्यायपीठों के बीच कार्य के वितरण के लिए उपबंध करती है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 59 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कठिनाई को दूर करने के लिए, निम्नलिखित आदेश करती है, जो अधिनियम के उपबंधों से असंगत नहीं है, अर्थात् :—

1. संक्षिप्त नाम और प्रारंभ—(1) इस आदेश का संक्षिप्त नाम पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (कठिनाइयों को दूर करना) आदेश, 2008 है।

(2) यह राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगा।

2. अध्यक्ष, विद्युत अधिनियम, 2003 (2003 का 36) की धारा 122 के अधीन, जैसा कि वह पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड अधिनियम, 2006 की धारा 34 के आधार पर, पश्चात्पूर्व अधिनियम को लागू होती है, कार्यों के वितरण के लिए पेट्रोलियम और प्राकृतिक गैस के लिए न्यायपीठें गठित कर सकेगा।

[फा. सं. पी-23011/13/2006-एमकेटी]

डि. एन. नरसिंह राजु, संयुक्त सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

ORDER

New Delhi, the 8th May, 2008

S.O. 1110(E).—Whereas the Petroleum and Natural Gas Regulatory Board Act, 2006 (19 of 2006) (hereinafter referred to as the Act) came into force on the 1st October, 2007 except the provisions of Section 16;

And whereas sub-section (1) of Section 30 of the said Act provides that "Subject to the provisions of this Act, the Appellate Tribunal established under Section 110 of the Electricity Act, 2003 shall be the Appellate Tribunal for the purposes of this Act and the said Appellate Tribunal shall exercise the jurisdiction, powers and authority conferred on it by or under this Act :

Provided that the Technical Member of the Appellate Tribunal for the purposes of this Act shall be called the Technical Member (Petroleum and Natural Gas) and shall have the qualifications specified in sub-section (2) of Section 31";

And whereas Section 34 of the Act states that Sections 120 to 124 of the Electricity Act, 2003 would apply to the Act also. Section 112 of the Electricity Act, 2003 relating the Composition of Appellate Tribunal has not been made applicable to the Act ;

And whereas ensuring uninterrupted and adequate supply of petroleum, petroleum products and natural gas in all parts of the country and promoting competitive markets are objectivities, among others of the Act, as stated in the preamble ;

And whereas difficulties have arisen in exercising the power to constitute a bench under the Act by the Chairperson of the Appellate Tribunal ;

And whereas, Section 122 of the Electricity Act, 2003 which applies to the Act provides for the distribution of business among the benches ;

Now, therefore, the Central Government in exercise of its powers conferred by Section 59 of the said Act hereby makes the following order not inconsistent with the provisions of the Act, to remove the difficulties, namely :—

1. **Short title and Commencement**—(1) This order may be called the Petroleum and Natural Gas Regulatory Board (Removal of Difficulties) Order, 2008.

(2) It shall come into force on the date of publication in the Official Gazette.

2. The Chairperson may constitute benches for Petroleum and Natural Gas Regulatory Board for distribution of business under Section 122 of the Electricity Act, 2003 (36 of 2003) as it applies to Petroleum and Natural Gas Regulatory Board Act, 2006 by virtue of Section 34 of the latter Act.

[F. No. P-23011/13/2006-Mkt.]

D. N. NARASIMHA RAJU, Jt. Secy.

- P-71
- (क) प्रवेश स्थल पर प्रवेशिका दबाव:
 (ख) प्रवेश स्थल पर कैलोरीयुक्त मूल्य बैंड:
 (ग) तापमान:
 (घ) अनुसूची-II के अनुसार अन्य तत्व:
12. सामान्य वाहक आधार पर पाइपलाइन प्रणाली में उपलब्ध अतिरिक्त क्षमता की स्थिति:
 13. ट्रांसपोर्टर द्वारा स्वयं या निविदा वाहक आधार पर इस्तेमाल की जा रही सामान्य वाहक क्षमता का ब्यौरा:
 14. ऐसी लंबित अवधि सहित पाइपलाइन के सामान्य वाहक प्रयोग हेतु ट्रांसपोर्टर के पास लंबित कोई मांग:
 15. प्रवेश और निकासी स्थलों पर प्राथमिकता:

अनुसूची-II

[देखें विनियम 5(5), 8(1) (ख)(i)]

गैस गुणवत्ता विशिष्टियां

मापदण्ड	सीमा
हाइड्रोकार्बन ओसांक (डिग्री सेल्सियस, अधिकतम)	0
जल ओसांक (डिग्री सेल्सियस, अधिकतम)*	0
हाइड्रोजन सल्फाइड (अधिकतम वजन पीपीएम में)	5
कुल सल्फर (अधिकतम वजन पीपीएम में)	10
कार्बन डाइऑक्साइड (अणु % अधिकतम)	6
कुल निष्क्रियता (अणु %)	8
तापमान (डिग्री सेल्सियस, अधिकतम)	55
ऑक्सीजन (% अणु मात्रा अधिकतम)	0.2

* पाइपलाइन प्रचालन दबाव पर

[फा.सं. एस.-प्रशा./II/8/2007 खण्ड-1]

अजय त्यागी, सचिव

NOTIFICATION

New Delhi, the 17th July, 2008

G.S.R. 541(E).—

In exercise of the powers conferred by section 61 of the Petroleum and Natural Gas Regulatory Board Act, 2006 (19 of 2006), the Petroleum and Natural Gas Regulatory Board hereby makes the following regulations, namely:-

1. Short title and commencement.

- (1) These regulations may be called the Petroleum and Natural Gas Regulatory Board (Access Code for Common Carrier or Contract Carrier Natural Gas Pipelines) Regulations, 2008.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

(1) In these regulations, unless the context otherwise require,

- (a) “access arrangement” means a document of the transporter specifically defining terms and conditions for the access to the gas pipeline and placed on the web site of the transporter;
- (b) “Act” means the Petroleum and Natural Gas Regulatory Board Act, 2006”;
- (c) “a homogeneous area” (AHA) means a part of the pipeline within which the gas of similar specifications including calorific value is received or delivered over a specified time period;
- (d) “allocated capacity” means the scheduled maximum daily quantity agreed between the shipper and the transporter;
- (e) “appointed day” means the date of October 1, 2007 when the Central Government notified the establishment of the Petroleum and Natural Gas Regulatory Board;
- (f) “Board” means the Petroleum and Natural Gas Regulatory Board (PNGRB) established under the Petroleum and Natural Gas Regulatory Board Act 2006;
- (g) “booked capacity” means maximum daily quantity (MDQ) of gas on any day to be delivered at an entry point or off taken at an exit point as per the contract between the shipper and the transporter;
- (h) “contracted capacity” means the natural gas volume contracted for transportation through a pipeline system on daily, monthly or yearly basis;
- (i) “custody transfer meter” means a device or a set of devices which measures the quantity of natural gas (in terms of volume and energy) for transfer of custody from one entity to another;
- (j) “dispute” means any dispute or difference arising between the entities under or in connection with these regulations or the access arrangement;

- (k) "entry point" means the point at which the gas delivered by shipper is injected into the natural gas pipeline;
- (l) "exit point" means the point at which the gas is withdrawn from the natural gas pipeline for delivery to the shipper or end consumer as agreed between transporter and shipper;
- (m) "maximum daily quantity" means the maximum volume of natural gas contracted, booked or scheduled for delivery in a particular day within twenty four hours of the day;
- (n) "natural gas pipeline" means any pipeline including spur lines for transport of natural gas and includes all connected equipments and facilities, such as, compressors, storage facilities, metering units, etc. but excludes-
- (i) dedicated pipeline laid to transport natural gas to a specific customer to meet his requirement and not for resale;
 - (ii) pipelines in a city or local natural gas distribution network which are regulated by the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008.
- (o) "natural gas pipeline section" means a part of natural gas pipeline between an entry point and an exit point or between two exit points;
- (p) "marketeer" means an entity dealing with the marketing or trading of natural gas;
- (q) "off-spec natural gas" means the natural gas which does not conform to the parameters specified at sub-regulations (1), (4), (5) and (6) of regulations 5;
- (r) "operating pressure" means the pressure corresponding to a particular flow rate at which the natural gas pipeline is operated;
- (s) "shipper" means an entity and also includes a consumer who intends to utilize the capacity in the pipeline for transmission of gas;
- (t) "system use gas" (SUG) means the quantity of gas used by the transporter for the operation and maintenance of the pipeline system, including but not limited to,

compressors, gas heaters, close cycle vapour or thermo electric gas turbines for cathodic protection and supervisory control and data acquisition (SCADA) system;

(u) “transmission loss” (TL) means the quantity of gas which is unaccounted for whatsoever reason including blow downs, venting or releases during regular operation and maintenance of the pipeline system or due to inaccuracy of custody meter;

(v) “transporter” means an entity authorized by the Board or authorized by the Central Government prior to the appointed date for laying, building, operating or expanding a natural gas pipeline;

(w) “transmission service” means the service consisting of taking delivery of the gas made available by a shipper at one or more entry points along the pipeline system and delivering an equivalent quantity of gas in terms of energy at one or more exit points in accordance with the terms and conditions laid down in the access arrangement and contract signed between the shipper and the transporter and complying with the provisions of these regulations;

(x) “unit of measurement” means unit for measurement of quantity of gas and shall be in million British thermal units (MMBTU) or Kilo calories.

(2) All other words and expressions used herein but not defined shall have the same meanings respectively assigned to them in the Act.

3. Application.

(1) These regulations shall apply to an entity operating or proposing to operate natural gas pipeline.

(2) Any entity authorized by the Board to lay, build, operate or expand a natural gas pipeline under the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Natural Gas Pipeline) Regulations, 2008 or authorized to do so by the Central Government before the appointed day, can add new or abandon any existing entry and exit point on the pipeline on techno-economic considerations provided that the existing customers on the pipeline are not adversely affected by the decision of the entity.

4. Declaration of capacity.

- (1) The capacity of a natural gas pipeline shall be as authorized by the Board for new pipelines under The Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Natural Gas Pipelines) Regulations, 2008 or as determined by the Board under relevant regulations for declaring natural gas pipelines as common carrier or contract carrier or under the Petroleum and Natural Gas Regulatory Board (Determination of Natural Gas Pipeline Tariff) Regulations, 2008 or as determined by the Board under the relevant Regulations.
- (2) The transporter shall declare for each natural gas pipeline section, entry and exit point-wise design and available capacity of the pipeline and host the same on its web site on the 1st of every month in the prescribed manner and format specified at Schedule I and shall send this information to the Board and the same shall also be hosted by the Board on its website.
- (3) The available capacity declared for the transporter under sub-regulation (2) shall be available for use on common carrier or contract carrier basis or both and shall be allocated in line with the provisions under regulation 12.

5. Gas parameters.

- (1) The authorized entity as referred to in sub-regulation (2) of regulation 3 shall formulate the calorific value(CV) band for the natural gas to be transported through natural gas pipeline keeping in view the following parameters, namely:-
 - (a) CV of its own natural gas proposed to be transported;
 - (b) CV of firmed up contracted capacity of natural gas;
 - (c) requirements of downstream consumers of natural gas on the pipeline;
 - (d) technical requirement of the pipe line system; and
 - (e) CV band of the inter-state pipelines either supplying natural gas into the pipeline system or receiving natural gas from this pipeline system.
- (2) The transporter shall publish CV band referred to in sub-regulation (1) on its website within a period of one month of authorization by the Board, as referred to in sub-regulation (2) of regulation 3, under intimation to the Board.
Provided that the entities authorized before the publication of these regulations shall publish the CV band within a period of one month of the date of publication of these regulations.

(3) CV band referred to in sub-regulation (1) shall be applicable to all shippers on non-discriminatory basis.

(4) The transporter may review the CV band for natural gas from time to time taking into account new major source of gas supplies or new consumers: Provided that CV band so updated shall not adversely affect any of the existing shippers:

Provided further that transporter shall immediately inform the Board as and when such-up-dation is carried out by the transporter besides putting the same on its web site.

(5) The threshold limits for other elements in natural gas like CO₂, CO, H₂S, N₂, O₂, water dew point, hydrocarbon dew point, etc. shall be as given in Schedule II.

(6) The transporter shall define the gas parameters at entry points in terms of gas hydraulics specifying the acceptable range of pressure and temperature and the same shall be hosted on the website of the transporter.

(7) Shipper shall supply gas conforming to all parameters specified in sub-regulations (1), (4) to (6) and the transporter shall deliver gas at exit point conforming to parameters of gas as specified in sub-regulations (1), (4) and (5):

Provided that the pressure and temperature shall be as per the contract between shipper and the transporter.

6. System Use Gas (SUG), Line Pack (LP) and Transmission Losses (TL).

A shipper shall sell or provide the gas, if required by the transporter, for SUG, LP and TL at the prevailing market price in proportion to its capacity booking in the pipeline:

Provided that, the transporter shall be free to arrange this gas from any other source.

7. Measurement of gas.

(1) The transporter shall ensure the provision of the entry and exit point equipments to measure gas composition, calorific value, pressure and temperature on continuous basis as specified in regulation 9.

- (2) The transporter shall divide the natural gas pipeline into a number of "a homogenous area" (AHA) and shall continuously measure the quality parameters by Gas Chromatograph (GC) in each AHA.
- (3) Measurement of CV and gas quality as provided in sub-regulations (1) and sub-regulation (2) shall be sufficient for billing and other contractual purposes for all exit points served by the AHA.
- (4) Total error limit and accuracy of the measuring equipment shall be as agreed to between the entities subject to any mandatory specifications, if any, laid down by the Board through regulations.
- (5) The transporter shall carry out verification, calibration or proving of measuring equipment as per the relevant codes and standards.
- (6) Either shipper or transporter may instal check meters at requisite points with a pre-condition so as not to interfere with the measurement equipment installed by the entity for custody transfer purpose.
- (7) Gas accounting shall be done on daily basis and the gas reconciliation, billing & other terms shall be as decided between the entities.

Obligations at entry point and exit point.

- (1) At the entry point when the shipper delivers natural gas that does not meet the quality requirements as specified in sub-regulation (1), (4) to (6) of regulation 5, in respect of CV band and threshold level of other elements of gas, the transporter may-

(a) refuse to accept it; or

(b) accept any gas that does not meet the requirements of gas in terms of gas parameters-

- (i) as specified at Schedule II:

Provided that transporter may charge reasonable cost of service from the shipper, as may be mutually agreed, for any additional facilities or treatment for cleaning up or integrity requirements of the pipeline and to upgrade gas to pipeline specifications;

Provided further that such off-spec natural gas does not adversely affect the existing customers' quality specifications committed by the transporter at the exit points;

- (ii) as specified in sub regulations (1) and (4) of regulation 5: Provided that the transporter may charge the reasonable cost of service for the capacity adjustment from the shipper for transportation of such gas and for capacity constraints in the system:

Provided further that such off-spec natural gas does not adversely affect the existing customers' quality specifications committed by the transporter at the exit points.

- (2) At the exit point when the transporter delivers gas that does not meet the quality requirements as specified in sub regulation (7) of regulation 5, the shipper may -

- (a) refuse to accept delivery and in such a case the transporter shall be liable to pay liquidated damages to the shipper as per their terms of contract; or
(b) accept the gas and in such case no charges shall be payable by transporter.

9. Facilities at entry point and exit point.

- (1) Shipper shall arrange to deliver gas at entry point on the pipeline system and shall provide all facilities, including measuring equipments, required for transfer of custody and delivery of gas to the transporter unless otherwise agreed to between shipper and transporter.
- (2) Transporter shall execute hooking up facility of shipper to the entry point at the cost of shipper.
- (3) Shipper or his authorized nominee shall own, operate and maintain facilities upstream of entry points at his own cost and risk unless the facilities are provided by the transporter under a separate contract.

- (4) The transporter shall own and operate facilities including measuring equipments at exit point for transfer of custody and delivery of gas to the shipper unless otherwise agreed to between shipper and transporter and the exit point gas parameters shall be mutually agreed to between shipper and transporter.
- (5) The transporter shall execute, at the cost of shipper, the facility of hooking up of shipper facility with that of transporter at exit point.
- (6) The shipper shall provide space and cooperate with the transporter in installing, operating, maintaining and modifying any specific exit point facilities when such exit point facilities are provided in the premises of the shipper.
- (7) The shipper may provide check meter, conforming to the applicable standard and specifications, at the delivery point in natural gas pipeline:

Provided that in case of any variation in the readings in the meter of transporter and shipper, the reading of the transporter meter shall be taken as final.

- (8) In case of any dispute in metering, the meter proving or certification shall be carried out by an accredited third party as approved by the Board.
- (9) In case of any fault in the meter of transporter, the expenses on this account shall be borne by the transporter and in case no fault is found in the meter, the expenses shall be borne by the shipper.

10. Pipeline capacity booking.

- (1) More than one shipper can hold capacity at any entry or exit point.
- (2) The booked capacity shall be through a contract between shipper and transporter under "Access Arrangements" in the form of MDQ.
- (3) When a transporter receives a request for access from a shipper it shall respond within three days after receiving the request from the shipper-
 - (a) confirming that spare capacity exists to satisfy the request and specifying the charges and terms and conditions upon which it will make the service available;

- (b) advising that spare capacity does not exist to satisfy the request;
 - (c) advising that the data provided by the shipper require technical study to accommodate his request and such study shall be completed within seven days from the date of receipt of request; or
 - (d) advising that it is not technically or operationally feasible to provide access.
- (4) shipper may release the capacity in favour of other shippers to the extent of the capacity booked.
 - (5) The shipper may assign in part or full the capacity booked by him or trade in open market and the transporter shall deliver the capacity in physical terms to any person or entity which wishes to take physical delivery on the basis of a valid contract.
 - (6) The nomination of natural gas for transportation shall contain the expected gas flow details of one or more days daily-nominated quantities as per the agreed schedule between the shipper and the transporter.
 - (7) The accounting of the gas shall be in energy terms and shall be based on Gross calorific value as defined in ISO 6976-1:1983(E).

11. Interconnection of two common carrier or contract carrier natural gas pipeline.

- (1) The interconnection of two common carrier or contract carrier pipeline systems may be necessitated by either a transporter or a shipper and such interconnection shall be allowed subject to capacity available in the receiving common carrier pipeline and when it is operationally and technically feasible.
- (2) The gas quality specifications for interconnecting pipelines should be compatible.
- (3) The cost of such interconnection point shall be borne by the entity that has triggered such requirement for interconnection and the cost of interconnection may include the cost of compression equipments for meeting the operational requirements for receiving natural gas in the common carrier system.

- (4) The execution of the interconnection facilities shall be carried out by the transporter who owns the system which receives the gas.
- (5) The interconnection point shall be mutually agreed between transporter and the shipper.
- (6) Interconnection of pipeline network is like adding an exit point to the existing pipeline and all such provisions shall be applicable for such interconnection.
- (7) The authorized entity for receiving common carrier pipeline shall inform the Board in case any interconnection request is denied.

12. Methodology for providing access.

- (1) The contracted capacity between a shipper and a transporter shall be for a gas quantity not exceeding the own firmed up capacity and aggregated volume contracted by the transporter for a period of more than a year.
- (2) The excess 33% capacity shall be allocated on common carrier principle on first come first serve basis:

Provided that in case any capacity out of the 33% excess capacity under sub-regulation (2) is available at any time due to non-existence of demand from any shipper, then, the same may be utilized either by the authorized entity itself or could be contracted for a period of more than a year subject to the stipulation that in the event of any requirement by another shipper for transportation of gas on a common carrier basis, the entity shall make available the required capacity to the shipper within a period of thirty days of such requirement.

13. System indiscipline and charges.

- (1) If the pipeline capacity has been utilized by the shipper without permission of the transporter over 110% of the capacity allocated, then, the shipper shall be charged for such unauthorized overrun by the transporter in a transparent manner on non-discriminatory basis.
- (2) If the shipper off-takes less quantity of gas from the pipeline system than injected

into it, then, the shipper is creating positive imbalance and it shall be allowed a cumulative positive imbalance of ten per cent of allocated capacity as tolerance limit.

- (3) Positive imbalance up to ten per cent of the booked capacity shall not attract any positive imbalance charges and the shipper shall be charged by the transporter for positive imbalance charges in a transparent manner on non discriminatory basis if it exceeds ten per cent.
- (4) If shipper off-takes more quantity of gas from the pipeline system than injected into it, then, the shipper is creating negative imbalance and the shipper shall be allowed a cumulative negative imbalance of five per cent of allocated capacity as a tolerance limit.
- (5) Negative imbalance of five per cent. of the allocated capacity shall not attract any negative imbalance charges and the shipper shall be charged by the transporter for negative imbalance charges in a transparent manner on non discriminatory basis if it exceeds five percent.
- (6) Charges for the system indiscipline, that is, for unauthorized overrun positive imbalance and negative imbalance shall be on daily basis in terms of maximum daily quantity.
- (7) Subject to sub-regulation (8), the transporter shall maintain the pipeline system in such a way that the allowed positive imbalance of 10% or negative imbalance of 5% does not interfere with the operations of the pipeline and shall ensure that the shippers get their allocated quantities within acceptable contractual variations, at specified gas parameters at exit points.
- (8) It shall be the responsibility of the defaulting shipper to cure imbalances beyond the permissible limit caused by it in transporter's pipeline and in case, the defaulting shipper is unable to cure such imbalances within a period of fifteen days, then, the transporter shall have the right to adjust daily-nominated quantity of such shipper to mitigate such imbalances to ensure safety and integrity of pipeline system.

- (9) In case the transporter and the shipper have entered into an agreement which recognizes an aggregated volume of natural gas on periodic basis and the shipper makes commitment to avail the capacity intermittently within a period less than one year, the imbalances and overrun charges shall be calculated on maximum daily quantity basis as scheduled by the shipper and the transporter.
- (10) There shall be established an escrow account to be maintained by the transporter which shall be credited with all charges received by the transporter on account of imbalances and overruns under this regulation and the transporter shall be eligible to withdraw from the escrow account the payment towards his contractual obligations with reference to supply or pay and extra efforts to compress gas in case of negative imbalance and system management of the pipeline system due to such imbalances created by the shippers.
- (11) The transporter shall submit audited statement of the escrow account referred to in sub-regulation (10) on an annual basis to the Board.
- (12) The balance amount available in the escrow account, after the eligible withdrawal by the transporter, under sub clause (10) may be utilized in such a manner and for such purposes as may be specified by the Board.

14. Planned maintenance.

- (1) The transporter is required to draw up and publish a maintenance plan well ahead of time for a defined period identifying those entry and exit points where gas flows may be restricted by maintenance works, the extent of the restrictions and the time of occurrence and the transporter shall plan such maintenance so as to minimize disruption to affected parties and can request information from shippers on their survival flows at entry and exit points to assist the transporter for such maintenance schedule.
- (2) Dates for scheduled maintenance shall be informed well in advance which can be adjusted on thirty days advance notice to and from affected shippers.
- (3) The planned maintenance period shall not exceed ten days in a year.

15. Information about *force majeure*.

- (1) The affected party shall on occurrence of any *force majeure*-
 - (a) as soon as reasonably practicable notify each of the other parties of the occurrence and nature of the *force majeure*, the expected duration thereof insofar as the same can reasonably be assessed and the obligations of the affected party performance of which is affected thereby; and
 - (b) from time to time thereafter provide to each other party reasonable details of the following, namely-
 - (i) developments in the matters notified under clause (a);
 - (ii) the steps being taken by the affected party to overcome the *force majeure* occurrence or its effects and to resume performance of its relevant obligations.
- (2) The entities shall be relieved of their respective obligations in the event of *force majeure* except for the obligation to pay when due.

16. Operational planning.

- (1) Shipper shall make daily, weekly or monthly nominations to the transporter for the quantities that it wishes to deliver to at a particular entry point and off-take at a particular exit point from the pipeline system on a daily basis in line with the provisions under these regulations.
- (2) (a) Transporter shall schedule the quantities of gas for transportation based on the nominations received and capacity available in the pipeline system.

(b) Transporter may schedule the nomination for quantities over and above the booked capacity subject to a maximum of ten per cent of the declared pipeline capacity.
- (3) (a) Transporter shall allocate quantity of gas to various shippers as determined under clause (b) of sub-regulation (2) and as per the scheduling exercise.

(b) Allocation scheduled shall be delivered to the shippers as per the destinationwise (exit point wise) schedule prepared.

17. Emergencies.

The procedures to be followed by shipper and the transporter in the event of an emergency shall be included in the access arrangements by shipper and transporter on mutually agreed terms.

18. Confidentiality of information.

All documentation, information, data, submissions and comments disclosed or delivered whether in writing or otherwise by any entity to the transporter, shipper or to any other party either in connection with or in consequence of the requirements of these regulations shall be regarded and treated as confidential and shall not be disclosed either in full or part of any or all of the documentation, information, data, submissions and comments including the contents and copies thereof in any form except in connection with any proceedings in any court.

19. Miscellaneous.

If any dispute arises with regards to the interpretation of any of the provisions of these regulations, the decision of the Board shall be final.

.....

Schedule – I**Format for declaring capacity of Pipeline**

(see regulation 4(2))

1. Name of entity:
2. Name of pipeline:
3. Sectionwise capacity on the pipeline(to be furnished for each section separately) :
 - (a) Number of sections:
 - (b) Name of section with start and end point:
 - (c) Capacity – (i) Volume terms (ii) Energy terms
4. Number of AHAs:
5. Number of entry points on the pipeline route:
6. Location of entry points:
7. Number of exit points:
8. Location of exit points:

9. Entry point wise capacity(to be furnished separately for each entry point):
10. Exit pointwise capacity(to be furnished separately for each exit point):
11. Technical parameters:
 - (a) Inlet pressure at entry point:
 - (b) Calorific value band at entry point:
 - (c) Temperature:
 - (d) Other elements as per Schedule - II:
12. Status of extra capacity available in the pipeline system on common carrier basis:
13. Details of common carrier capacity being used by transporter itself or on contract carrier basis:
14. Any demand pending with the transporter for common carrier usage of the pipeline alongwith duration of such pendency:
15. Preference on entry and exit points:

Schedule – II

(see regulations 5(5), 8(1)(b)(i))

Gas quality specifications

Parameters	Limit
Hydrocarbons dew pt (Degree Celsius, max.)*	0
Water dew pt(Degree Celsius, max)*	0
Hydrogen Sulphide (ppm by wt. max.)	5
Total Sulphur (ppm by wt. max.)	10
Carbon dioxide (mole % max.)	6
Total inerts (mole %)	8
Temperature (Degree Celsius, max.)	55
Oxygen(% mole vol. max.)	0.2

* At the pipeline operating pressure

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10. रिकार्ड रखना और आवश्यकता सूचित करना

- (1) कंपनी अद्यतन रिकार्डों को ऐसे ढंग से रखेगी ताकि इस संहिता का अनुपालन किया जा सके।
- (2) इस संहिता में निहित अन्य किसी सूचित आवश्यकता के अलावा कंपनी इन विनियमों की अधिसूचना के एक माह की अवधि के अंदर निम्नलिखित सूचना उपलब्ध कराएगी, अर्थात्
 - (क) सभी संबद्ध कंपनियों की सूची जिनके साथ कंपनी लेन-देन करती है, जिसमें व्यवसाय के पते सहित अपनी संबद्ध कंपनी के अधिकारियों और निदेशकों की सूची तथा व्यवसाय की व्याख्या शामिल है;
 - (ख) निगमित संगठन चार्ट जिसमें संबंध और स्वामित्व का प्रतिशत दर्शाया गया हो;
 - (ग) विनियमित कार्यकलाप के संबंध में कंपनी की लागत नीति जिसमें सामान्य खर्च के आबंटन के लिए कंपनी द्वारा लागू आधार शामिल है; और
 - (घ) अन्य कोई संगत सूचना जो बोर्ड द्वारा उपयुक्त समझी जाए:

बशर्ते कि कंपनी ऐसा परिवर्तन होने के एक माह की अवधि के अंदर किसी परिवर्तन के लिए खण्ड (क) से (घ) के अंतर्गत बोर्ड को उपलब्ध कराई गई सूचना को अद्यतन बनाए।
- (3) कंपनी अपनी संबद्ध कंपनियों सहित अपने विनियमित कार्यकलापों के ब्यौरे को वेबसाइट पर डालेगी।

11. प्राधिकरण प्रक्रिया के दोषपूर्ण और रद्द होने के परिणाम

कंपनी इन विनियमों के अंतर्गत सभी प्रावधानों का अनुपालन करेगी और इसमें असफल रहने पर पेट्रोलियम और प्राकृतिक गैस विनियम (प्राकृतिक गैस पाइपलाइन बिछाने, निर्माण, प्रचालन या विस्तार करने के लिए कंपनियों को प्राधिकृत करना) विनियम 2008 में विनिर्दिष्ट अनुसार प्राधिकरण रद्द हो सकता है जिसमें अधिनियम के अंतर्गत अन्य कोई दण्डात्मक कार्रवाई भी शामिल होगी।

12. विविध

यदि इन विनियमों के किसी प्रावधान की व्यवस्था के संबंध में कोई विवाद उत्पन्न होता है तो बोर्ड का निर्णय अंतिम होगा।

PETROLEUM AND NATURAL GAS REGULATORY BOARD**NOTIFICATION**

New Delhi, the 17th July, 2008

G.S.R. 540(E)—In exercise of the powers conferred by section 61 of the Petroleum and Natural Gas Regulatory Board Act, 2006 (19 of 2006), the Petroleum and Natural Gas Regulatory Board hereby makes the following regulations, namely:-

1. Short title and commencement.

- (1) These regulations may be called the Petroleum and Natural Gas Regulatory Board (Affiliate Code of Conduct for Entities Engaged in Marketing of Natural Gas and Laying, Building, Operating or Expanding Natural Gas Pipeline) Regulations, 2008.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

- (1) In these regulations, unless the context otherwise requires,

(a) “Act” means the Petroleum and Natural Gas Regulatory Board Act, 2006;

(b) “affiliate” means an associated person in relation to the entity or the entity in relation to an associated person-

(i) who participates directly or indirectly or through one or more intermediaries in the management or control or capital of the entity or an associated person, as the case may be;

(ii) who holds, directly or indirectly, shares carrying not less than 26% of the voting power in the entity or associated person, as the case may be;

- (iii) who appoints more than half of the board of directors or members of the governing board, or one or more executive directors or executive members of the governing board of the entity or the associated person, as the case may be; or
 - (iv) who guarantees not less than 10% of the total borrowings of the entity or the associated person, as the case may be.
- (c) "appointed day" means the date of October 1, 2007 when the Central Government notified the establishment of the Petroleum and Natural Gas Regulatory Board;
- (d) "Board" means the Petroleum and Natural Gas Regulatory Board established under sub-section (1) of section 3 of the Act;
- (e) "capital cost" means cost in respect of creation of a fixed asset;
- (f) "cost" means the capital cost, direct cost, financial cost, fully allocated cost or operating cost, as the case may be.
- (g) "direct cost" means cost that can reasonably be identified as cost incurred for laying, building, operating or expanding a natural gas pipeline;
- (h) "financing cost" means the cost of financing the creation of an asset or for meeting the requirements of incurring an operating cost;
- (i) "fully allocated cost" means the sum of direct costs plus a proportional share of indirect costs derived on the basis of the level of activities carried out and on consistently applied basis of allocation;
- (j) "indirect cost" means such cost which cannot be directly identified with either laying, building, operating or expanding a natural gas pipeline or marketing of natural gas and includes, but are not limited to common overhead costs, common administrative expenses and taxes;

- (k) “marketing of natural gas” means the activity of selling or distribution of natural gas;
 - (l) “natural gas pipeline” means natural gas pipeline as defined under the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Natural Gas Pipelines) Regulations, 2008.
 - (m) “operating cost” means cost in respect of upkeep and maintenance of a fixed asset or service;
- (2) Words and expressions used and not defined in these regulations, but defined in the Act or in the rules or regulations made thereunder, shall have the meanings respectively assigned to them in the Act or in the rules or regulations, as the case may be.

3. Application.

These regulations shall apply to an entity-

- (1) which proposes to lay, build, operate or expand natural gas pipeline and is authorized to do so under the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Natural Gas Pipelines) Regulations, 2008;
- (2) which is laying, building, operating or expanding natural gas pipeline and has been authorized to do so under the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Natural Gas Pipelines) Regulations, 2008;
- (3) which is authorized by the Central Government before the appointed day for laying, building, operating or expanding natural gas pipeline; or
- (4) which is either authorized or is directed by the Board for conversion of a dedicated pipeline into a common carrier or contract carrier under the relevant regulations:

Provided that the entity is either engaged or proposes to engage in the activity of marketing of natural gas:

- (a) either on its own;
- (b) through a division, business unit or such other categorization made for different business segments by the entity but without separating the ownership and management control of the same into another entity; or
- (c) through its affiliate.

4. Scope of affiliate code of conduct.

(1) The affiliate code of conduct referred to in these regulations and *hereinafter* referred to as the “code” sets out the manner of the-

- (a) interactions between the entity and its affiliate for the purposes of carrying out the activities of both transportation and marketing of natural gas based on the principle of “at an arm’s length”; or
- (b) engagement in both the activities of transportation and marketing of natural gas by the entity on its own by following the principle of “at an arm’s length”.

(2) The objectives of this code are to ensure-

- (a) protection of the interests of the consumers and other entities against the actions of an entity while dealing with its affiliate as also when the entity on its own is engaged in both the activities of transportation and marketing of natural gas;
- (b) prevention of cross-subsidization of the costs between the regulated activity and any other non-regulated activity including the activity of marketing of natural gas either by the entity on its own or through its affiliate which adversely affects or has the potential of adversely affecting fair trade and competition between the entities;

(c) that there is no preferential access allowed by the entity to itself or to its affiliate for the regulated activity; and

(d) development of a fair and competitive natural gas market.

5. Degree of accounting separation.

(1) The entity shall ensure accounting and financial separation by maintaining separate financial records and books of accounts in respect of the regulated activity in cases where-

a) the affiliate of the entity is engaged or proposes to engage in the marketing of natural gas; or

b) the entity on its own or proposes to engage in both the activities of transportation and marketing of natural gas.

(2) The entity shall ensure that while undertaking the accounting and financial segregation in respect of the regulated activity under sub-regulation (1), both direct and indirect costs are fully allocated to the regulated activity in a transparent manner and without any cross-subsidization of costs with any other non-regulated activity.

(3) The entity shall adhere to the accounting standards and guidelines of The Institute of Chartered Accountants of India as well as the Companies Act, 1956 and the Board may, if it deems fit, examine the appropriateness of the basis of cost allocation followed by the entity.

6. Confidentiality of consumer information.

(1) The entity shall not release to an affiliate any information relating to a consumer without his written consent except where such information is required to be disclosed for-

(i) billing or market operation purposes;

- (ii) law enforcement purposes;
 - (iii) processing of past due accounts of the consumer which have been passed on to a debt collection agency;
 - (iv) where the information has been sufficiently aggregated so that any individual consumer's information cannot reasonably be identified.
- (2) Where an entity shares information services with an affiliate, all information shall be protected from access by the affiliate and access to an entity's information services shall include appropriate computer data management and data access protocols as well as contractual provisions regarding the breach of any access protocols.

7. Shared corporate services.

An entity may share employees with its affiliate only in relation to the shared core corporate services subject to the stipulation that such employees shall neither be directly or indirectly involved in collecting, storing, collating, processing, transmitting or having access to any information which is related to the regulated activities.

8. Non-discriminatory access to services.

- (1) The entity shall treat all other entities engaged in natural gas marketing on the same non-discriminatory basis as it treats its own affiliate.
- (2) The entity shall take reasonable steps to ensure that its affiliate does not cause in its marketing or promotional material any favoured treatment or preferential access to the entity's system and in case the entity becomes aware of an inappropriate marketing or promotional activity by its affiliate, the entity shall-
 - (a) immediately notify affected consumers of such violation;
 - (b) take necessary steps to ensure that the affiliate is aware of the concern; and

- (c) inform the Board in writing of such activity, the remedial measures that were undertaken by the entity and the steps taken by the entity to prevent its re-occurrence in future.
- (3) The entity shall apply the natural gas pipeline tariff authorized under the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Natural Gas Pipelines) Regulations, 2008 to an affiliate in the same manner as is applicable to similarly placed non-affiliates.
- (4) The entity shall not transfer or assign to an affiliate a consumer for whom the entity is providing service of the regulated activity unless the consumer gives permission to such transfer or assignment in writing.
- (5) The entity and its affiliate shall not trade upon, promote, or suggest to any consumer, supplier or third-party that they may receive preferential treatment as a result of the affiliation.
- (6) The entity shall not provide to anyone any negative information about its affiliate or non-affiliate competitors.

9. Compliance measures.

- (1) The entity shall be responsible for ensuring compliance with this code and shall-
- (i) perform an internal review on a quarterly basis establishing compliance by the entity to the code;
 - (ii) circulate the code to its employees and make them aware of its compliance;
 - (iii) monitor compliance by its employees' to this Code; and
 - (iv) maintain verifiable record of documentation establishing such compliance.
- (2) The entity shall submit the compliance report on an annual basis to the Board reporting the extent of compliance by the entity to the provisions under these regulations in case-

12. Miscellaneous.

If any dispute arises with regards to the interpretation of any of the provisions of these regulations, the decision of the Board shall be final.

[F, No. S-Admn./II/8/2007-Vol. I]

AJAY TYAGI, Secy.

अधिसूचना

नई दिल्ली, 17 जुलाई, 2008

सा.का.नि. 541(अ).—पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड अधिनियम, 2006 (2006 का 19) की धारा 61 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड एतद्वारा निम्नलिखित विनियम बनाता है, नामतः -

1. संक्षिप्त शीर्षक और प्रारंभ

(1) इन विनियमों को पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (सामान्य वाहक या निविदा वाहक प्राकृतिक गैस पाइपलाइनों की प्राप्ति संहिता) विनियम, 2008 कहा जाएगा।

(2) ये सरकारी राजपत्र में प्रकाशन की तारीख से लागू होंगे।

2. परिभाषाएं

(1) इन विनियमों में जब तक कि संदर्भ में अन्यथा अपेक्षित न हो,

(क) "प्राप्ति व्यवस्था" का अर्थ है ट्रांसपोर्टर का वह दस्तावेज जिसमें विशेष रूप से गैस पाइपलाइन तक प्राप्ति की निबंधन और शर्तों को परिभाषित किया गया हो और ट्रांसपोर्टर की वेबसाइट पर डाला गया हो;

(ख) "अधिनियम" का अर्थ है पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड अधिनियम, 2006;

(ग) "सदृश क्षेत्र" (एएचए) का अर्थ है पाइपलाइन का वह हिस्सा जिसके अंतर्गत कैलोरीयुक्त मूल्य सहित समान विशिष्टियों सहित गैस एक विनिर्दिष्ट समयावधि में प्राप्त की जाती है या सुपुर्द की जाती है;

(घ) "आवंटित क्षमता" का अर्थ है शिपर और ट्रांसपोर्टर के बीच सहमत अनुसूचित अधिकतम दैनिक मात्रा;

(ङ.) "नियत दिवस" का अर्थ है 01 अक्टूबर, 2007 का दिन, जब केन्द्र सरकार ने पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड की स्थापना करने की अधिसूचना जारी की थी;

(a) the entity is engaged or proposes to engage in both the activities of transportation and marketing of natural gas; or

(b) of dealing by the entity with its affiliate which is marketing natural gas.

10. Record keeping and reporting requirements.

(1) The entity shall maintain updated records in a form and manner so as to be able to substantiate compliance with this code.

(2) In addition to any other reporting requirements contained in this code, the entity shall provide the following information within a period of one month of the notification of these regulations, namely:-

(a) list of all affiliates with whom the entity transacts including business addresses, list of the officers and directors and description of the business of its affiliate;

(b) corporate organization chart indicating relationships and ownership percentages;

(c) costing policy of the entity with respect to the regulated activity including the basis followed by the entity for allocation of common expenditure; and

(d) any other relevant information as deemed fit by the Board:

Provided that the entity shall update the information provided to the Board under clauses (a) to (d) for any change within a period of one month of the occurrence of such a change.

(3) The entity shall web-host the description of its regulated activities including that of its affiliates.

11. Consequences of default and termination of authorization procedure.

The entity shall abide by all the provisions under these regulations and any failure in doing so may lead to termination of the authorization in the manner specified in the Petroleum and Natural Gas Regulations (Authorizing Entities to Lay, Build, Operate or Expand Natural Gas Pipelines) Regulations 2008 including any other penal action under the Act.

- (क) प्रवेश स्थल पर प्रवेशिका दबाव:
 (ख) प्रवेश स्थल पर कैलोरीयुक्त मूल्य बैंड:
 (ग) तापमान:
 (घ) अनुसूची-11 के अनुसार अन्य तत्व:
12. सामान्य वाहक आधार पर पाइपलाइन प्रणाली में उपलब्ध अतिरिक्त क्षमता की स्थिति:
 13. ट्रांसपोर्टर द्वारा स्वयं या निविदा वाहक आधार पर इस्तेमाल की जा रही सामान्य वाहक क्षमता का व्यौरा:
 14. ऐसी लंबित अवधि सहित पाइपलाइन के सामान्य वाहक प्रयोग हेतु ट्रांसपोर्टर के पास लंबित कोई मांग:
 15. प्रवेश और निकासी स्थलों पर प्राथमिकता:

अनुसूची-11

[देखें विनियम 5(5), 8(1) (ख)(i)]

गैस गुणवत्ता विशिष्टियां

मापदण्ड	सीमा
हाइड्रोकार्बन ओसांक (डिग्री सेल्सियस, अधिकतम)	0
जल ओसांक (डिग्री सेल्सियस, अधिकतम)*	0
हाइड्रोजन सल्फाइड (अधिकतम वजन पीपीएम में)	5
कुल सल्फर (अधिकतम वजन पीपीएम में)	10
कार्बन डाइऑक्साइड (अणु % अधिकतम)	6
कुल निष्क्रियता (अणु %)	8
तापमान (डिग्री सेल्सियस, अधिकतम)	55
ऑक्सीजन (% अणु मात्रा अधिकतम)	0.2

* पाइपलाइन प्रचालन दबाव पर

[फा.सं. एस.-प्रशा./II/8/2007 खण्ड-1]

अजय त्यागी, सचिव

NOTIFICATION

New Delhi, the 17th July, 2008

G.S.R. 541(E).—

In exercise of the powers conferred by section 61 of the Petroleum and Natural Gas Regulatory Board Act, 2006 (19 of 2006), the Petroleum and Natural Gas Regulatory Board hereby makes the following regulations, namely:-

1. Short title and commencement.

(1) These regulations may be called the Petroleum and Natural Gas Regulatory Board (Access Code for Common Carrier or Contract Carrier Natural Gas Pipelines) Regulations, 2008.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

(1) In these regulations, unless the context otherwise require,

- (a) “access arrangement” means a document of the transporter specifically defining terms and conditions for the access to the gas pipeline and placed on the web site of the transporter;
- (b) “Act” means the Petroleum and Natural Gas Regulatory Board Act, 2006”;
- (c) “a homogeneous area” (AHA) means a part of the pipeline within which the gas of similar specifications including calorific value is received or delivered over a specified time period;
- (d) “allocated capacity” means the scheduled maximum daily quantity agreed between the shipper and the transporter;
- (e) “appointed day” means the date of October 1, 2007 when the Central Government notified the establishment of the Petroleum and Natural Gas Regulatory Board;
- (f) “Board” means the Petroleum and Natural Gas Regulatory Board (PNGRB) established under the Petroleum and Natural Gas Regulatory Board Act 2006;
- (g) “booked capacity” means maximum daily quantity (MDQ) of gas on any day to be delivered at an entry point or off taken at an exit point as per the contract between the shipper and the transporter;
- (h) “contracted capacity” means the natural gas volume contracted for transportation through a pipeline system on daily, monthly or yearly basis;
- (i) “custody transfer meter” means a device or a set of devices which measures the quantity of natural gas (in terms of volume and energy) for transfer of custody from one entity to another;
- (j) “dispute” means any dispute or difference arising between the entities under or in connection with these regulations or the access arrangement;

- (k) “entry point” means the point at which the gas delivered by shipper is injected into the natural gas pipeline;
- (l) “exit point” means the point at which the gas is withdrawn from the natural gas pipeline for delivery to the shipper or end consumer as agreed between transporter and shipper;
- (m) “maximum daily quantity” means the maximum volume of natural gas contracted, booked or scheduled for delivery in a particular day within twenty four hours of the day;
- (n) “natural gas pipeline” means any pipeline including spur lines for transport of natural gas and includes all connected equipments and facilities, such as, compressors, storage facilities, metering units, etc. but excludes-
- (i) dedicated pipeline laid to transport natural gas to a specific customer to meet his requirement and not for resale;
 - (ii) pipelines in a city or local natural gas distribution network which are regulated by the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008.
- (o) “natural gas pipeline section” means a part of natural gas pipeline between an entry point and an exit point or between two exit points;
- (p) “marketeer” means an entity dealing with the marketing or trading of natural gas;
- (q) “off-spec natural gas” means the natural gas which does not conform to the parameters specified at sub-regulations (1), (4), (5) and (6) of regulations 5;
- (r) “operating pressure” means the pressure corresponding to a particular flow rate at which the natural gas pipeline is operated;
- (s) “shipper” means an entity and also includes a consumer who intends to utilize the capacity in the pipeline for transmission of gas;
- (t) “system use gas” (SUG) means the quantity of gas used by the transporter for the operation and maintenance of the pipeline system, including but not limited to,

compressors, gas heaters, close cycle vapour or thermo electric gas turbines for cathodic protection and supervisory control and data acquisition (SCADA) system;

- (u) “transmission loss” (TL) means the quantity of gas which is unaccounted for whatsoever reason including blow downs, venting or releases during regular operation and maintenance of the pipeline system or due to inaccuracy of custody meter;
- (v) “transporter” means an entity authorized by the Board or authorized by the Central Government prior to the appointed date for laying, building, operating or expanding a natural gas pipeline;
- (w) “transmission service” means the service consisting of taking delivery of the gas made available by a shipper at one or more entry points along the pipeline system and delivering an equivalent quantity of gas in terms of energy at one or more exit points in accordance with the terms and conditions laid down in the access arrangement and contract signed between the shipper and the transporter and complying with the provisions of these regulations;
- (x) “unit of measurement” means unit for measurement of quantity of gas and shall be in million British thermal units (MMBTU) or Kilo calories.

- (2) All other words and expressions used herein but not defined shall have the same meanings respectively assigned to them in the Act.

3. Application.

- (1) These regulations shall apply to an entity operating or proposing to operate natural gas pipeline.
- (2) Any entity authorized by the Board to lay, build, operate or expand a natural gas pipeline under the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Natural Gas Pipeline) Regulations, 2008 or authorized to do so by the Central Government before the appointed day, can add new or abandon any existing entry and exit point on the pipeline on techno-economic considerations provided that the existing customers on the pipeline are not adversely affected by the decision of the entity.

4. Declaration of capacity.

- (1) The capacity of a natural gas pipeline shall be as authorized by the Board for new pipelines under The Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Natural Gas Pipelines) Regulations, 2008 or as determined by the Board under relevant regulations for declaring natural gas pipelines as common carrier or contract carrier or under the Petroleum and Natural Gas Regulatory Board (Determination of Natural Gas Pipeline Tariff) Regulations, 2008 or as determined by the Board under the relevant Regulations.
- (2) The transporter shall declare for each natural gas pipeline section, entry and exit point-wise design and available capacity of the pipeline and host the same on its web site on the 1st of every month in the prescribed manner and format specified at Schedule I and shall send this information to the Board and the same shall also be hosted by the Board on its website.
- (3) The available capacity declared for the transporter under sub-regulation (2) shall be available for use on common carrier or contract carrier basis or both and shall be allocated in line with the provisions under regulation 12.

5. Gas parameters.

- (1) The authorized entity as referred to in sub-regulation (2) of regulation 3 shall formulate the calorific value(CV) band for the natural gas to be transported through natural gas pipeline keeping in view the following parameters, namely:-
 - (a) CV of its own natural gas proposed to be transported;
 - (b) CV of firmed up contracted capacity of natural gas;
 - (c) requirements of downstream consumers of natural gas on the pipeline;
 - (d) technical requirement of the pipe line system; and
 - (e) CV band of the inter-state pipelines either supplying natural gas into the pipeline system or receiving natural gas from this pipeline system.
- (2) The transporter shall publish CV band referred to in sub-regulation (1) on its website within a period of one month of authorization by the Board, as referred to in sub-regulation (2) of regulation 3, under intimation to the Board.
Provided that the entities authorized before the publication of these regulations shall publish the CV band within a period of one month of the date of publication of these regulations.

(3) CV band referred to in sub-regulation (1) shall be applicable to all shippers on non-discriminatory basis.

(4) The transporter may review the CV band for natural gas from time to time taking into account new major source of gas supplies or new consumers: Provided that CV band so updated shall not adversely affect any of the existing shippers:

Provided further that transporter shall immediately inform the Board as and when such up-dation is carried out by the transporter besides putting the same on its web site.

(5) The threshold limits for other elements in natural gas like CO₂, CO, H₂S, N₂, O₂, water dew point, hydrocarbon dew point, etc. shall be as given in Schedule II.

(6) The transporter shall define the gas parameters at entry points in terms of gas hydraulics specifying the acceptable range of pressure and temperature and the same shall be hosted on the website of the transporter.

(7) Shipper shall supply gas conforming to all parameters specified in sub-regulations (1), (4) to (6) and the transporter shall deliver gas at exit point conforming to parameters of gas as specified in sub-regulations (1),(4) and (5):

Provided that the pressure and temperature shall be as per the contract between shipper and the transporter.

6. System Use Gas (SUG), Line Pack (LP) and Transmission Losses (TL).

A shipper shall sell or provide the gas, if required by the transporter, for SUG, LP and TL at the prevailing market price in proportion to its capacity booking in the pipeline:

Provided that, the transporter shall be free to arrange this gas from any other source.

7. Measurement of gas.

(1) The transporter shall ensure the provision of the entry and exit point equipments to measure gas composition, calorific value, pressure and temperature on continuous basis as specified in regulation 9.

- (2) The transporter shall divide the natural gas pipeline into a number of "a homogenous area" (AHA) and shall continuously measure the quality parameters by Gas Chromatograph (GC) in each AHA.
- (3) Measurement of CV and gas quality as provided in sub-regulations (1) and sub-regulation (2) shall be sufficient for billing and other contractual purposes for all exit points served by the AHA.
- (4) Total error limit and accuracy of the measuring equipment shall be as agreed to between the entities subject to any mandatory specifications, if any, laid down by the Board through regulations.
- (5) The transporter shall carry out verification, calibration or proving of measuring equipment as per the relevant codes and standards.
- (6) Either shipper or transporter may instal check meters at requisite points with a pre-condition so as not to interfere with the measurement equipment installed by the entity for custody transfer purpose.
- (7) Gas accounting shall be done on daily basis and the gas reconciliation, billing & other terms shall be as decided between the entities.

Obligations at entry point and exit point.

- (1) At the entry point when the shipper delivers natural gas that does not meet the quality requirements as specified in sub-regulation (1), (4) to (6) of regulation 5, in respect of CV band and threshold level of other elements of gas, the transporter may-
 - (a) refuse to accept it; or
 - (b) accept any gas that does not meet the requirements of gas in terms of gas parameters-
 - (i) as specified at Schedule II:
Provided that transporter may charge reasonable cost of service from the shipper, as may be mutually agreed, for any additional facilities or treatment for cleaning up or integrity requirements of the pipeline and to upgrade gas to pipeline specifications;

Provided further that such off-spec natural gas does not adversely affect the existing customers' quality specifications committed by the transporter at the exit points;

- (ii) as specified in sub regulations (1) and (4) of regulation 5:
Provided that the transporter may charge the reasonable cost of service for the capacity adjustment from the shipper for transportation of such gas and for capacity constraints in the system:

Provided further that such off-spec natural gas does not adversely affect the existing customers' quality specifications committed by the transporter at the exit points.

- (2) At the exit point when the transporter delivers gas that does not meet the quality requirements as specified in sub regulation (7) of regulation 5, the shipper may -
 - (a) refuse to accept delivery and in such a case the transporter shall be liable to pay liquidated damages to the shipper as per their terms of contract; or
 - (b) accept the gas and in such case no charges shall be payable by transporter.

9. Facilities at entry point and exit point.

- (1) Shipper shall arrange to deliver gas at entry point on the pipeline system and shall provide all facilities, including measuring equipments, required for transfer of custody and delivery of gas to the transporter unless otherwise agreed to between shipper and transporter.
- (2) Transporter shall execute hooking up facility of shipper to the entry point at the cost of shipper.
- (3) Shipper or his authorized nominee shall own, operate and maintain facilities upstream of entry points at his own cost and risk unless the facilities are provided by the transporter under a separate contract.

- (4) The transporter shall own and operate facilities including measuring equipments at exit point for transfer of custody and delivery of gas to the shipper unless otherwise agreed to between shipper and transporter and the exit point gas parameters shall be mutually agreed to between shipper and transporter.
- (5) The transporter shall execute, at the cost of shipper, the facility of hooking up of shipper facility with that of transporter at exit point.
- (6) The shipper shall provide space and cooperate with the transporter in installing, operating, maintaining and modifying any specific exit point facilities when such exit point facilities are provided in the premises of the shipper.
- (7) The shipper may provide check meter, conforming to the applicable standard and specifications, at the delivery point in natural gas pipeline:

Provided that in case of any variation in the readings in the meter of transporter and shipper, the reading of the transporter meter shall be taken as final.

- (8) In case of any dispute in metering, the meter proving or certification shall be carried out by an accredited third party as approved by the Board.
- (9) In case of any fault in the meter of transporter, the expenses on this account shall be borne by the transporter and in case no fault is found in the meter, the expenses shall be borne by the shipper.

10. Pipeline capacity booking.

- (1) More than one shipper can hold capacity at any entry or exit point.
- (2) The booked capacity shall be through a contract between shipper and transporter under "Access Arrangements" in the form of MDQ.
- (3) When a transporter receives a request for access from a shipper it shall respond within three days after receiving the request from the shipper-
 - (a) confirming that spare capacity exists to satisfy the request and specifying the charges and terms and conditions upon which it will make the service available;

- (b) advising that spare capacity does not exist to satisfy the request;
 - (c) advising that the data provided by the shipper require technical study to accommodate his request and such study shall be completed within seven days from the date of receipt of request; or
 - (d) advising that it is not technically or operationally feasible to provide access.
- (4) shipper may release the capacity in favour of other shippers to the extent of the capacity booked.
 - (5) The shipper may assign in part or full the capacity booked by him or trade in open market and the transporter shall deliver the capacity in physical terms to any person or entity which wishes to take physical delivery on the basis of a valid contract.
 - (6) The nomination of natural gas for transportation shall contain the expected gas flow details of one or more days daily-nominated quantities as per the agreed schedule between the shipper and the transporter.
 - (7) The accounting of the gas shall be in energy terms and shall be based on Gross calorific value as defined in ISO 6976-1:1983(E).

11. Interconnection of two common carrier or contract carrier natural gas pipeline.

- (1) The interconnection of two common carrier or contract carrier pipeline systems may be necessitated by either a transporter or a shipper and such interconnection shall be allowed subject to capacity available in the receiving common carrier pipeline and when it is operationally and technically feasible.
- (2) The gas quality specifications for interconnecting pipelines should be compatible.
- (3) The cost of such interconnection point shall be borne by the entity that has triggered such requirement for interconnection and the cost of interconnection may include the cost of compression equipments for meeting the operational requirements for receiving natural gas in the common carrier system.

- (4) The execution of the interconnection facilities shall be carried out by the transporter who owns the system which receives the gas.
- (5) The interconnection point shall be mutually agreed between transporter and the shipper.
- (6) Interconnection of pipeline network is like adding an exit point to the existing pipeline and all such provisions shall be applicable for such interconnection.
- (7) The authorized entity for receiving common carrier pipeline shall inform the Board in case any interconnection request is denied.

12. Methodology for providing access.

- (1) The contracted capacity between a shipper and a transporter shall be for a gas quantity not exceeding the own firmed up capacity and aggregated volume contracted by the transporter for a period of more than a year.
- (2) The excess 33% capacity shall be allocated on common carrier principle on first come first serve basis:

Provided that in case any capacity out of the 33% excess capacity under sub-regulation (2) is available at any time due to non-existence of demand from any shipper, then, the same may be utilized either by the authorized entity itself or could be contracted for a period of more than a year subject to the stipulation that in the event of any requirement by another shipper for transportation of gas on a common carrier basis, the entity shall make available the required capacity to the shipper within a period of thirty days of such requirement.

13. System indiscipline and charges.

- (1) If the pipeline capacity has been utilized by the shipper without permission of the transporter over 110% of the capacity allocated, then, the shipper shall be charged for such unauthorized overrun by the transporter in a transparent manner on non-discriminatory basis.
- (2) If the shipper off-takes less quantity of gas from the pipeline system than injected

into it, then, the shipper is creating positive imbalance and it shall be allowed a cumulative positive imbalance of ten per cent of allocated capacity as tolerance limit.

- (3) Positive imbalance up to ten per cent of the booked capacity shall not attract any positive imbalance charges and the shipper shall be charged by the transporter for positive imbalance charges in a transparent manner on non discriminatory basis if it exceeds ten per cent.
- (4) If shipper off-takes more quantity of gas from the pipeline system than injected into it, then, the shipper is creating negative imbalance and the shipper shall be allowed a cumulative negative imbalance of five per cent of allocated capacity as a tolerance limit.
- (5) Negative imbalance of five per cent. of the allocated capacity shall not attract any negative imbalance charges and the shipper shall be charged by the transporter for negative imbalance charges in a transparent manner on non discriminatory basis if it exceeds five percent.
- (6) Charges for the system indiscipline, that is, for unauthorized overrun positive imbalance and negative imbalance shall be on daily basis in terms of maximum daily quantity.
- (7) Subject to sub-regulation (8), the transporter shall maintain the pipeline system in such a way that the allowed positive imbalance of 10% or negative imbalance of 5% does not interfere with the operations of the pipeline and shall ensure that the shippers get their allocated quantities within acceptable contractual variations, at specified gas parameters at exit points.
- (8) It shall be the responsibility of the defaulting shipper to cure imbalances beyond the permissible limit caused by it in transporter's pipeline and in case, the defaulting shipper is unable to cure such imbalances within a period of fifteen days, then, the transporter shall have the right to adjust daily-nominated quantity of such shipper to mitigate such imbalances to ensure safety and integrity of pipeline system.

- (9) In case the transporter and the shipper have entered into an agreement which recognizes an aggregated volume of natural gas on periodic basis and the shipper makes commitment to avail the capacity intermittently within a period less than one year, the imbalances and overrun charges shall be calculated on maximum daily quantity basis as scheduled by the shipper and the transporter.
- (10) There shall be established an escrow account to be maintained by the transporter which shall be credited with all charges received by the transporter on account of imbalances and overruns under this regulation and the transporter shall be eligible to withdraw from the escrow account the payment towards his contractual obligations with reference to supply or pay and extra efforts to compress gas in case of negative imbalance and system management of the pipeline system due to such imbalances created by the shippers.
- (11) The transporter shall submit audited statement of the escrow account referred to in sub-regulation (10) on an annual basis to the Board.
- (12) The balance amount available in the escrow account, after the eligible withdrawal by the transporter, under sub clause (10) may be utilized in such a manner and for such purposes as may be specified by the Board.

14. Planned maintenance.

- (1) The transporter is required to draw up and publish a maintenance plan well ahead of time for a defined period identifying those entry and exit points where gas flows may be restricted by maintenance works, the extent of the restrictions and the time of occurrence and the transporter shall plan such maintenance so as to minimize disruption to affected parties and can request information from shippers on their survival flows at entry and exit points to assist the transporter for such maintenance schedule.
- (2) Dates for scheduled maintenance shall be informed well in advance which can be adjusted on thirty days advance notice to and from affected shippers.
- (3) The planned maintenance period shall not exceed ten days in a year.

15. Information about *force majeure*.

- (1) The affected party shall on occurrence of any *force majeure*-
 - (a) as soon as reasonably practicable notify each of the other parties of the occurrence and nature of the *force majeure*, the expected duration thereof insofar as the same can reasonably be assessed and the obligations of the affected party performance of which is affected thereby; and
 - (b) from time to time thereafter provide to each other party reasonable details of the following, namely-
 - (i) developments in the matters notified under clause (a);
 - (ii) the steps being taken by the affected party to overcome the *force majeure* occurrence or its effects and to resume performance of its relevant obligations.
- (2) The entities shall be relieved of their respective obligations in the event of *force majeure* except for the obligation to pay when due.

16. Operational planning.

- (1) Shipper shall make daily, weekly or monthly nominations to the transporter for the quantities that it wishes to deliver to at a particular entry point and off-take at a particular exit point from the pipeline system on a daily basis in line with the provisions under these regulations.
- (2)
 - (a) Transporter shall schedule the quantities of gas for transportation based on the nominations received and capacity available in the pipeline system.
 - (b) Transporter may schedule the nomination for quantities over and above the booked capacity subject to a maximum of ten per cent of the declared pipeline capacity.
- (3)
 - (a) Transporter shall allocate quantity of gas to various shippers as determined under clause (b) of sub-regulation (2) and as per the scheduling exercise.
 - (b) Allocation scheduled shall be delivered to the shippers as per the destinationwise (exit point wise) schedule prepared.

17. Emergencies.

The procedures to be followed by shipper and the transporter in the event of an emergency shall be included in the access arrangements by shipper and transporter on mutually agreed terms.

18. Confidentiality of information.

All documentation, information, data, submissions and comments disclosed or delivered whether in writing or otherwise by any entity to the transporter, shipper or to any other party either in connection with or in consequence of the requirements of these regulations shall be regarded and treated as confidential and shall not be disclosed either in full or part of any or all of the documentation, information, data, submissions and comments including the contents and copies thereof in any form except in connection with any proceedings in any court.

19. Miscellaneous.

If any dispute arises with regards to the interpretation of any of the provisions of these regulations, the decision of the Board shall be final.

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Schedule – I**Format for declaring capacity of Pipeline**

(see regulation 4(2))

1. Name of entity:
2. Name of pipeline:
3. Sectionwise capacity on the pipeline(to be furnished for each section separately) :
 - (a) Number of sections:
 - (b) Name of section with start and end point:
 - (c) Capacity – (i) Volume terms (ii) Energy terms
4. Number of AHAs:
5. Number of entry points on the pipeline route:
6. Location of entry points:
7. Number of exit points:
8. Location of exit points:

9. Entry point wise capacity(to be furnished separately for each entry point):
10. Exit pointwise capacity(to be furnished separately for each exit point):
11. Technical parameters:
 - (a) Inlet pressure at entry point:
 - (b) Calorific value band at entry point:
 - (c) Temperature:
 - (d) Other elements as per Schedule - II:
12. Status of extra capacity available in the pipeline system on common carrier basis:
13. Details of common carrier capacity being used by transporter itself or on contract carrier basis:
14. Any demand pending with the transporter for common carrier usage of the pipeline alongwith duration of such pendency:
15. Preference on entry and exit points:

Schedule – II

(see regulations 5(5), 8(1)(b)(i))

Gas quality specifications

Parameters	Limit
Hydrocarbons dew pt (Degree Celsius, max.)*	0
Water dew pt(Degree Celsius, max)*	0
Hydrogen Sulphide (ppm by wt. max.)	5
Total Sulphur (ppm by wt. max.)	10
Carbon dioxide (mole % max.)	6
Total inerts (mole %)	8
Temperature (Degree Celsius, max.)	55
Oxygen(% mole vol. max.)	0.2

* At the pipeline operating pressure

[F.No. S-Admn./II/8/2007-Vol. I]

AJAY TYAGI, Secy.

- (2) अतिरिक्त 33% क्षमता पहले आओ पहले पाओ के आधार पर सामान्य वाहक सिद्धांत पर आबंटित की जाएगी :

बशर्त कि किसी शिपर से मांग प्राप्त न होने के कारण किसी संमथ उप-विनियम (2) के अंतर्गत 33% अतिरिक्त क्षमता में से कोई क्षमता उपलब्ध होती है तो उसका इस्तेमाल स्वयं प्राधिकृत कंपनी द्वारा किया जाएगा या एक वर्ष से अधिक की अवधि के लिए अनुबंध पर इस शर्त पर दिया जा सकता है कि सामान्य वाहक आधार पर गैस के परिवहन के लिए अन्य शिपर द्वारा किसी आवश्यकता की स्थिति में कंपनी ऐसी आवश्यकता के तीस दिनों की अवधि में शिपर को अपेक्षित क्षमता उपलब्ध कराएगी।

13. प्रणाली अव्यवस्था और प्रभार

- (1) यदि शिपर द्वारा ट्रांसपोर्टर की अनुमति के बिना आबंटित क्षमता के 110% के लिए पाइपलाइन क्षमता का उपयोग किया गया है तो शिपर से बिना भेदभाव आधार पर पारदर्शी ढंग में ट्रांसपोर्टर द्वारा ऐसे अनधिकृत उपयोग के लिए प्रभार लिया जाएगा।
- (2) यदि शिपर पाइपलाइन प्रणाली में मौजूद गैस की कम मात्रा लेता है तो शिपर सकारात्मक असंतुलन पैदा कर रहा है और उसे सहनीय सीमा के रूप में आबंटित क्षमता के दस प्रतिशत के संचयी सकारात्मक असंतुलन की अनुमति दी जानी चाहिए।
- (3) बुक की गई क्षमता के दस प्रतिशत तक के सकारात्मक असंतुलन पर कोई सकारात्मक असंतुलन प्रभार नहीं दिया जाएगा तथा यदि यह दस प्रतिशत से अधिक होता है तो ट्रांसपोर्टर द्वारा शिपर से बिना कोई भेदभाव किए पारदर्शी ढंग से सकारात्मक असंतुलन प्रभार लिया जाएगा।
- (4) यदि शिपर पाइपलाइन प्रणाली से उसमें विद्यमान गैस की अधिक मात्रा लेता है, तो शिपर नकारात्मक असंतुलन पैदा करता है और शिपर को सहनीय सीमा के रूप में आबंटित क्षमता के पांच प्रतिशत के संचयी नकारात्मक असंतुलन की अनुमति दी जानी चाहिए।
- (5) आबंटित क्षमता के पांच प्रतिशत के नकारात्मक असंतुलन पर कोई नकारात्मक असंतुलन प्रभार नहीं लिया जाएगा और यदि यह पांच प्रतिशत से अधिक होता है तो ट्रांसपोर्टर द्वारा शिपर से कोई भेदभाव किए बिना पारदर्शी ढंग से नकारात्मक असंतुलन प्रभार लिया जाएगा।
- (6) प्रणाली अव्यवस्था अर्थात् अनधिकृत सकारात्मक असंतुलन और नकारात्मक असंतुलन के अधिक उपयोग के लिए प्रभार अधिकतम दैनिक मात्रा के अनुसार दैनिक आधार पर होंगे।
- (7) उप-विनियम (8) के अधीन, ट्रांसपोर्टर पाइपलाइन प्रणाली का इस तरह से रखरखाव करेगा कि 10% के अनुमेय सकारात्मक असंतुलन या 5% के नकारात्मक असंतुलन का पाइपलाइन के प्रचालन पर प्रभाव न पड़े और वह यह सुनिश्चित करेगा कि शिपर को

निकासी स्थलों पर विनिर्दिष्ट गैस मापदण्डों पर स्वीकार्य ठेकागत अंतर के अंदर अपनी आबंटित मात्रा प्राप्त हो।

- (8) यह चूककर्ता शिपर की जिम्मेदारी होगी कि वह ट्रांसपोर्टर की पाइपलाइन में उसके द्वारा उत्पन्न अनुमेय सीमा से अधिक असंतुलन में सुधार करे और यदि चूककर्ता शिपर पंद्रह दिनों की अवधि के अंदर ऐसे असंतुलन में सुधार नहीं कर पाता है तो ट्रांसपोर्टर को पाइपलाइन प्रणाली की सुरक्षा और संपूर्णता सुनिश्चित करने के लिए ऐसे असंतुलन को कम करने हेतु ऐसे शिपर के दैनिक नामांकन में समायोजन करने का अधिकार होगा।
- (9) यदि ट्रांसपोर्टर और शिपर ने समझौता किया है जिसमें आवधिक आधार पर प्राकृतिक गैस के औसत मूल्य को मान्यता दी गई है और शिपर एक वर्ष से कम की अवधि में आंतरिक क्षमता का उपयोग करने की वचनबद्धता देता है तो असंतुलन और अधिक उपयोग के प्रभावों की शिपर और ट्रांसपोर्टर द्वारा अनुसूचित अनुसार अधिकतम दैनिक मात्रा आधार पर गणना की जाएगी।
- (10) एक निलंबलेख खाता स्थापित किया जाएगा जिसे ट्रांसपोर्टर द्वारा रखा जाएगा जिसमें ट्रांसपोर्टर द्वारा इस विनियम के अंतर्गत असंतुलन और अधिक उपयोग के कारण प्राप्त सभी प्रभावों को जमा किया जाएगा और ट्रांसपोर्टर निलंबलेख खाते से आपूर्ति के संदर्भ में अपनी ठेकागत बाध्यताओं का भुगतान करने या शिपर द्वारा सृजित ऐसे असंतुलन के कारण पाइपलाइन प्रणाली के नकारात्मक असंतुलन तथा प्रणाली प्रबंधन के मामले में कंप्रेस गैस के लिए अतिरिक्त भुगतान करेगा।
- (11) ट्रांसपोर्टर बोर्ड को वार्षिक आधार पर उप-विनियम (10) में संदर्भित निलंबलेख खाते का लेखा-परिक्षित विवरण प्रस्तुत करेगा।
- (12) निलंबलेख खाते में उपलब्ध बकाया खाते का ट्रांसपोर्टर द्वारा उप-खण्ड (10) के अंतर्गत पात्र निकासी करने के बाद इस ढंग से तथा उन उद्देश्यों के लिए इस्तेमाल किया जाएगा जैसा कि बोर्ड द्वारा विनिर्दिष्ट किया जाए।

14. नियोजित रखरखाव

- (1) ट्रांसपोर्टर को समय रहते एक निश्चित समायावधि के लिए रखरखाव योजना तैयार और प्रकाशित करनी होगी जिसमें उन प्रवेश और निकासी स्थलों का उल्लेख किया जाएगा जहां गैस प्रवाह रखरखाव कार्य, प्रतिबंध की सीमा और समय की बारंबारता सीमित होगी ताकि प्रभावित पार्टियों को मुश्किल कम से कम हो तथा ऐसी रखरखाव अनुसूची के लिए ट्रांसपोर्टर को सहायता देने के लिए प्रवेश और निकासी स्थलों पर उनके मौजूदा प्रवाह पर शिपर से सूचना का अनुरोध प्राप्त किया जा सके।
- (2) अनुसूचित रखरखाव की तारीख को अग्रिम में सूचित किया जाना चाहिए जिसे प्रभावित शिपर के तीस दिनों के अग्रिम नोटिस पर समायोजित किया जा सकता है।

- (3) नियोजित रखरखाव अवधि एक वर्ष में दस दिनों से अधिक नहीं होनी चाहिए।

15. अनिवार्य बाध्यता के बारे में सूचना

- (1) प्रभावित पार्टी कोई अनिवार्य बाध्यता होने पर -

(क) प्रत्येक पार्टी दूसरी पार्टी को अनिवार्य बाध्यता के घटित होने और उसकी प्रकृति के बारे में यथाशीघ्र सूचित करेगी तथा उसके संभावित अवधि तक बने रहने तथा उससे प्रभावित होने वाली पार्टी के कार्य-निष्पादन की बाध्यताओं का उचित रूप से आकलन किया जा सकता है; और

(ख) इसके बाद समय-समय पर प्रत्येक पार्टी को निम्नलिखित का उचित ब्यौरा उपलब्ध कराएगी, अर्थात् -

- (i) खण्ड (क) के अंतर्गत अधिसूचित मामलों में हुई प्रगति;
- (ii) अनिवार्य बाध्यता से निपटने या इसके प्रभाव और इसकी संगत बाध्यताओं के कार्य-निष्पादन को पुनः शुरू करने के लिए प्रभावित पार्टी द्वारा उठाए गए कदम।

- (2) देयता होने पर कंपनियों को भुगतान की बाध्यता को छोड़कर अनिवार्य बाध्यता की स्थिति में उनकी संबंधित बाध्यताओं से छूट दी जाएगी।

16. प्रचालनात्मक योजना

- (1) शिपर ट्रांसपोर्टर को ऐसी मात्राओं, जिन्हें वह विनियमों के अंतर्गत प्रावधानों के अनुसार दैनिक आधार पर पाइपलाइन प्रणाली से किसी विशिष्ट प्रवेश स्थल तथा किसी विशिष्ट निकासी स्थल व सुपुर्दगी करना चाहता है, का दैनिक, साप्ताहिक या मासिक नामांकन करेगा।

- (2) (क) ट्रांसपोर्टर पाइपलाइन प्रणाली में प्राप्त नामांकन और उपलब्ध क्षमता के आधार पर गैस की मात्राओं की सूची बनाएगा।

(ख) ट्रांसपोर्टर बुक की गई क्षमता के अलावा मात्राओं के नामांकन की सूची बना सकता है बशर्ते कि यह घोषित पाइपलाइन क्षमता का अधिकतम दस प्रतिशत हो।

- (3) (क) ट्रांसपोर्टर उप-विनियम (2) के खण्ड (ख) के अंतर्गत निर्धारित और अनुसूची प्रक्रिया के अनुसार विभिन्न शिपर्स को गैस की मात्रा आबंटित करेगा।

- (ख) शिपर को गंतव्य स्थल-वार (निकासी स्थल-वार) तैयार की गई अनुसूची के अनुसार आबंटन की सुपुर्दगी की जाएगी।

17. आपातकाल

आपातकाल की स्थिति में शिपर और ट्रांसपोर्टर द्वारा अपनाई जाने वाली प्रक्रिया को शिपर और ट्रांसपोर्टर द्वारा परस्पर सहमत शर्तों पर गैस प्राप्ति प्रबंधन में शामिल किया जाएगा।

18. सूचना की गोपनीयता

किसी कंपनी द्वारा इन विनियमों की आवश्यकता के संबंध में या इनके परिणामस्वरूप ट्रांसपोर्टर, शिपर या अन्य किसी पार्टी को लिखित में या अन्यथा प्रस्तुत या सुपुर्द किए गए सभी दस्तावेज, सूचना, आंकड़े, प्रस्तुतियां और टिप्पणियों को गोपनीय माना और समझा जाएगा तथा दस्तावेजों, सूचना, आंकड़ों, प्रस्तुतियों और टिप्पणियों को पूर्णतः या उसका कोई भाग या सभी का खुलासा नहीं किया जाएगा, जिसमें किसी न्यायालय की कार्यवाहियों को छोड़कर उसके घटकों और प्रतियों के सभी स्वरूप शामिल होंगे।

19. विविध

यदि इन विनियमों के किसी प्रावधान की व्याख्या के संबंध में कोई विवाद उत्पन्न होता है तो बोर्ड का निर्णय अंतिम माना जाएगा।

अनुसूची-1

पाइपलाइन की क्षमता घोषित करने का प्रपत्र

[देखें विनियम 4 (2)]

1. कंपनी का नाम :
2. पाइपलाइन का नाम :
3. पाइपलाइन की खण्डवार क्षमता (प्रत्येक खण्ड के लिए अलग से दी जाए):
 - (क) खण्डों की संख्या :
 - (ख) प्रारंभिक और अंतिम स्थल सहित खण्ड का नाम:
 - (ग) क्षमता - (i) मात्रा अनुसार (ii) ऊर्जा अनुसार
4. एएचए की संख्या:
5. पाइपलाइन मार्ग पर प्रवेश स्थलों की संख्या :
6. प्रवेश स्थलों का स्थान:
7. निकासी स्थलों की संख्या:
8. निकासी स्थलों का स्थान:
9. प्रवेश स्थल-वार क्षमता (प्रत्येक प्रवेश स्थल के लिए अलग से दी जाए):
10. निकासी स्थल-वार क्षमता (प्रत्येक निकासी स्थल के लिए अलग से दी जाए):
11. तकनीकी मानदण्ड:

- (क) प्रवेश स्थल पर प्रवेशिका दबाव:
 (ख) प्रवेश स्थल पर कैलोरीयुक्त मूल्य बैंड:
 (ग) तापमान:
 (घ) अनुसूची-II के अनुसार अन्य तत्व:
12. सामान्य वाहक आधार पर पाइपलाइन प्रणाली में उपलब्ध अतिरिक्त क्षमता की स्थिति:
 13. ट्रांसपोर्टर द्वारा स्वयं या निविदा वाहक आधार पर इस्तेमाल की जा रही सामान्य वाहक क्षमता का व्यौरा:
 14. ऐसी लंबित अवधि सहित पाइपलाइन के सामान्य वाहक प्रयोग हेतु ट्रांसपोर्टर के पास लंबित कोई मांग:
 15. प्रवेश और निकासी स्थलों पर प्राथमिकता:

अनुसूची-II

[देखें विनियम 5(5), 8(1) (ख)(i)]

गैस गुणवत्ता विशिष्टियां

मापदण्ड	सीमा
हाइड्रोकार्बन ओसांक (डिग्री सेल्सियस, अधिकतम)	0
जल ओसांक (डिग्री सेल्सियस, अधिकतम)*	0
हाइड्रोजन सल्फाइड (अधिकतम वजन पीपीएम में)	5
कुल सल्फर (अधिकतम वजन पीपीएम में)	10
कार्बन डाइऑक्साइड (अणु % अधिकतम)	6
कुल निष्क्रियता (अणु %)	8
तापमान (डिग्री सेल्सियस, अधिकतम)	55
ऑक्सीजन (% अणु मात्रा अधिकतम)	0.2

* पाइपलाइन प्रचालन दबाव पर

[फा.सं. एस.-प्रशा./11/8/2007 खण्ड-1]

अजय त्यागी, सचिव

NOTIFICATION

New Delhi, the 17th July, 2008

G.S.R. 541(E).—

In exercise of the powers conferred by section 61 of the Petroleum and Natural Gas Regulatory Board Act, 2006 (19 of 2006), the Petroleum and Natural Gas Regulatory Board hereby makes the following regulations, namely:-

1. Short title and commencement.

(1) These regulations may be called the Petroleum and Natural Gas Regulatory Board (Access Code for Common Carrier or Contract Carrier Natural Gas Pipelines) Regulations, 2008.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

(1) In these regulations, unless the context otherwise require,

- (a) “access arrangement” means a document of the transporter specifically defining terms and conditions for the access to the gas pipeline and placed on the web site of the transporter;
- (b) “Act” means the Petroleum and Natural Gas Regulatory Board Act, 2006”;
- (c) “a homogeneous area” (AHA) means a part of the pipeline within which the gas of similar specifications including calorific value is received or delivered over a specified time period;
- (d) “allocated capacity” means the scheduled maximum daily quantity agreed between the shipper and the transporter;
- (e) “appointed day” means the date of October 1, 2007, when the Central Government notified the establishment of the Petroleum and Natural Gas Regulatory Board;
- (f) “Board” means the Petroleum and Natural Gas Regulatory Board (PNGRB) established under the Petroleum and Natural Gas Regulatory Board Act 2006;
- (g) “booked capacity” means maximum daily quantity (MDQ) of gas on any day to be delivered at an entry point or off taken at an exit point as per the contract between the shipper and the transporter;
- (h) “contracted capacity” means the natural gas volume contracted for transportation through a pipeline system on daily, monthly or yearly basis;
- (i) “custody transfer meter” means a device or a set of devices which measures the quantity of natural gas (in terms of volume and energy) for transfer of custody from one entity to another;
- (j) “dispute” means any dispute or difference arising between the entities under or in connection with these regulations or the access arrangement;

- (k) "entry point" means the point at which the gas delivered by shipper is injected into the natural gas pipeline;
- (l) "exit point" means the point at which the gas is withdrawn from the natural gas pipeline for delivery to the shipper or end consumer as agreed between transporter and shipper;
- (m) "maximum daily quantity" means the maximum volume of natural gas contracted, booked or scheduled for delivery in a particular day within twenty four hours of the day;
- (n) "natural gas pipeline" means any pipeline including spur lines for transport of natural gas and includes all connected equipments and facilities, such as, compressors, storage facilities, metering units, etc. but excludes-
- (i) dedicated pipeline laid to transport natural gas to a specific customer to meet his requirement and not for resale;
 - (ii) pipelines in a city or local natural gas distribution network which are regulated by the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008.
- (o) "natural gas pipeline section" means a part of natural gas pipeline between an entry point and an exit point or between two exit points;
- (p) "marketeer" means an entity dealing with the marketing or trading of natural gas;
- (q) "off-spec natural gas" means the natural gas which does not conform to the parameters specified at sub-regulations (1), (4), (5) and (6) of regulations 5;
- (r) "operating pressure" means the pressure corresponding to a particular flow rate at which the natural gas pipeline is operated;
- (s) "shipper" means an entity and also includes a consumer who intends to utilize the capacity in the pipeline for transmission of gas;
- (t) "system use gas" (SUG) means the quantity of gas used by the transporter for the operation and maintenance of the pipeline system, including but not limited to,

compressors, gas heaters, close cycle vapour or thermo electric gas turbines for cathodic protection and supervisory control and data acquisition (SCADA) system;

(u) “transmission loss” (TL) means the quantity of gas which is unaccounted for whatsoever reason including blow downs, venting or releases during regular operation and maintenance of the pipeline system or due to inaccuracy of custody meter;

(v) “transporter” means an entity authorized by the Board or authorized by the Central Government prior to the appointed date for laying, building, operating or expanding a natural gas pipeline;

(w) “transmission service” means the service consisting of taking delivery of the gas made available by a shipper at one or more entry points along the pipeline system and delivering an equivalent quantity of gas in terms of energy at one or more exit points in accordance with the terms and conditions laid down in the access arrangement and contract signed between the shipper and the transporter and complying with the provisions of these regulations;

(x) “unit of measurement” means unit for measurement of quantity of gas and shall be in million British thermal units (MMBTU) or Kilo calories.

(2) All other words and expressions used herein but not defined shall have the same meanings respectively assigned to them in the Act.

3. Application.

(1) These regulations shall apply to an entity operating or proposing to operate natural gas pipeline.

(2) Any entity authorized by the Board to lay, build, operate or expand a natural gas pipeline under the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Natural Gas Pipeline) Regulations, 2008 or authorized to do so by the Central Government before the appointed day, can add new or abandon any existing entry and exit point on the pipeline on techno-economic considerations provided that the existing customers on the pipeline are not adversely affected by the decision of the entity.

4. Declaration of capacity.

- (1) The capacity of a natural gas pipeline shall be as authorized by the Board for new pipelines under The Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Natural Gas Pipelines) Regulations, 2008 or as determined by the Board under relevant regulations for declaring natural gas pipelines as common carrier or contract carrier or under the Petroleum and Natural Gas Regulatory Board (Determination of Natural Gas Pipeline Tariff) Regulations, 2008 or as determined by the Board under the relevant Regulations.
- (2) The transporter shall declare for each natural gas pipeline section, entry and exit point-wise design and available capacity of the pipeline and host the same on its web site on the 1st of every month in the prescribed manner and format specified at Schedule I and shall send this information to the Board and the same shall also be hosted by the Board on its website.
- (3) The available capacity declared for the transporter under sub-regulation (2) shall be available for use on common carrier or contract carrier basis or both and shall be allocated in line with the provisions under regulation 12.

5. Gas parameters.

- (1) The authorized entity as referred to in sub-regulation (2) of regulation 3 shall formulate the calorific value(CV) band for the natural gas to be transported through natural gas pipeline keeping in view the following parameters, namely:-
 - (a) CV of its own natural gas proposed to be transported;
 - (b) CV of firmed up contracted capacity of natural gas;
 - (c) requirements of downstream consumers of natural gas on the pipeline;
 - (d) technical requirement of the pipe line system; and
 - (e) CV band of the inter-state pipelines either supplying natural gas into the pipeline system or receiving natural gas from this pipeline system.
- (2) The transporter shall publish CV band referred to in sub-regulation (1) on its website within a period of one month of authorization by the Board, as referred to in sub-regulation (2) of regulation 3, under intimation to the Board.
Provided that the entities authorized before the publication of these regulations shall publish the CV band within a period of one month of the date of publication of these regulations.

- (3) CV band referred to in sub-regulation (1) shall be applicable to all shippers on non-discriminatory basis.
- (4) The transporter may review the CV band for natural gas from time to time taking into account new major source of gas supplies or new consumers: Provided that CV band so updated shall not adversely affect any of the existing shippers:

Provided further that transporter shall immediately inform the Board as and when such up-dation is carried out by the transporter besides putting the same on its web site.

- (5) The threshold limits for other elements in natural gas like CO₂, CO, H₂S, N₂, O₂, water dew point, hydrocarbon dew point, etc. shall be as given in Schedule II.
- (6) The transporter shall define the gas parameters at entry points in terms of gas hydraulics specifying the acceptable range of pressure and temperature and the same shall be hosted on the website of the transporter.
- (7) Shipper shall supply gas conforming to all parameters specified in sub-regulations (1), (4) to (6) and the transporter shall deliver gas at exit point conforming to parameters of gas as specified in sub-regulations (1), (4) and (5):

Provided that the pressure and temperature shall be as per the contract between shipper and the transporter.

6. System Use Gas (SUG), Line Pack (LP) and Transmission Losses (TL).

A shipper shall sell or provide the gas, if required by the transporter, for SUG, LP and TL at the prevailing market price in proportion to its capacity booking in the pipeline:

Provided that, the transporter shall be free to arrange this gas from any other source.

7. Measurement of gas.

- (1) The transporter shall ensure the provision of the entry and exit point equipments to measure gas composition, calorific value, pressure and temperature on continuous basis as specified in regulation 9.

- (2) The transporter shall divide the natural gas pipeline into a number of "a homogenous area" (AHA) and shall continuously measure the quality parameters by Gas Chromatograph (GC) in each AHA.
- (3) Measurement of CV and gas quality as provided in sub-regulations (1) and sub-regulation (2) shall be sufficient for billing and other contractual purposes for all exit points served by the AHA.
- (4) Total error limit and accuracy of the measuring equipment shall be as agreed to between the entities subject to any mandatory specifications, if any, laid down by the Board through regulations.
- (5) The transporter shall carry out verification, calibration or proving of measuring equipment as per the relevant codes and standards.
- (6) Either shipper or transporter may instal check meters at requisite points with a pre-condition so as not to interfere with the measurement equipment installed by the entity for custody transfer purpose.
- (7) Gas accounting shall be done on daily basis and the gas reconciliation, billing & other terms shall be as decided between the entities.

Obligations at entry point and exit point.

- (1) At the entry point when the shipper delivers natural gas that does not meet the quality requirements as specified in sub-regulation (1), (4) to (6) of regulation 5, in respect of CV band and threshold level of other elements of gas, the transporter may-

(a) refuse to accept it; or

(b) accept any gas that does not meet the requirements of gas in terms of gas parameters-

(i) as specified at Schedule II:

Provided that transporter may charge reasonable cost of service from the shipper, as may be mutually agreed, for any additional facilities or treatment for cleaning up or integrity requirements of the pipeline and to upgrade gas to pipeline specifications;

Provided further that such off-spec natural gas does not adversely affect the existing customers' quality specifications committed by the transporter at the exit points;

- (ii) as specified in sub regulations (1) and (4) of regulation 5: Provided that the transporter may charge the reasonable cost of service for the capacity adjustment from the shipper for transportation of such gas and for capacity constraints in the system:

Provided further that such off-spec natural gas does not adversely affect the existing customers' quality specifications committed by the transporter at the exit points.

- (2) At the exit point when the transporter delivers gas that does not meet the quality requirements as specified in sub regulation (7) of regulation 5, the shipper may -
- (a) refuse to accept delivery and in such a case the transporter shall be liable to pay liquidated damages to the shipper as per their terms of contract; or
 - (b) accept the gas and in such case no charges shall be payable by transporter.

9. Facilities at entry point and exit point.

- (1) Shipper shall arrange to deliver gas at entry point on the pipeline system and shall provide all facilities, including measuring equipments, required for transfer of custody and delivery of gas to the transporter unless otherwise agreed to between shipper and transporter.
- (2) Transporter shall execute hooking up facility of shipper to the entry point at the cost of shipper.
- (3) Shipper or his authorized nominee shall own, operate and maintain facilities upstream of entry points at his own cost and risk unless the facilities are provided by the transporter under a separate contract.

- (4) The execution of the interconnection facilities shall be carried out by the transporter who owns the system which receives the gas.
- (5) The interconnection point shall be mutually agreed between transporter and the shipper.
- (6) Interconnection of pipeline network is like adding an exit point to the existing pipeline and all such provisions shall be applicable for such interconnection.
- (7) The authorized entity for receiving common carrier pipeline shall inform the Board in case any interconnection request is denied.

12. Methodology for providing access.

- (1) The contracted capacity between a shipper and a transporter shall be for a gas quantity not exceeding the own firm up capacity and aggregated volume contracted by the transporter for a period of more than a year.
- (2) The excess 33% capacity shall be allocated on common carrier principle on first come first serve basis:

Provided that in case any capacity out of the 33% excess capacity under sub-regulation (2) is available at any time due to non-existence of demand from any shipper, then, the same may be utilized either by the authorized entity itself or could be contracted for a period of more than a year subject to the stipulation that in the event of any requirement by another shipper for transportation of gas on a common carrier basis, the entity shall make available the required capacity to the shipper within a period of thirty days of such requirement.

13. System indiscipline and charges.

- (1) If the pipeline capacity has been utilized by the shipper without permission of the transporter over 110% of the capacity allocated, then, the shipper shall be charged for such unauthorized overrun by the transporter in a transparent manner on non-discriminatory basis.
- (2) If the shipper off-takes less quantity of gas from the pipeline system than injected

into it, then, the shipper is creating positive imbalance and it shall be allowed a cumulative positive imbalance of ten per cent of allocated capacity as tolerance limit.

- (3) Positive imbalance up to ten per cent of the booked capacity shall not attract any positive imbalance charges and the shipper shall be charged by the transporter for positive imbalance charges in a transparent manner on non discriminatory basis if it exceeds ten per cent.
- (4) If shipper off-takes more quantity of gas from the pipeline system than injected into it, then, the shipper is creating negative imbalance and the shipper shall be allowed a cumulative negative imbalance of five per cent of allocated capacity as a tolerance limit.
- (5) Negative imbalance of five per cent. of the allocated capacity shall not attract any negative imbalance charges and the shipper shall be charged by the transporter for negative imbalance charges in a transparent manner on non discriminatory basis if it exceeds five percent.
- (6) Charges for the system indiscipline, that is, for unauthorized overrun positive imbalance and negative imbalance shall be on daily basis in terms of maximum daily quantity.
- (7) Subject to sub-regulation (8), the transporter shall maintain the pipeline system in such a way that the allowed positive imbalance of 10% or negative imbalance of 5% does not interfere with the operations of the pipeline and shall ensure that the shippers get their allocated quantities within acceptable contractual variations, at specified gas parameters at exit points.
- (8) It shall be the responsibility of the defaulting shipper to cure imbalances beyond the permissible limit caused by it in transporter's pipeline and in case, the defaulting shipper is unable to cure such imbalances within a period of fifteen days, then, the transporter shall have the right to adjust daily-nominated quantity of such shipper to mitigate such imbalances to ensure safety and integrity of pipeline system.

- (9) In case the transporter and the shipper have entered into an agreement which recognizes an aggregated volume of natural gas on periodic basis and the shipper makes commitment to avail the capacity intermittently within a period less than one year, the imbalances and overrun charges shall be calculated on maximum daily quantity basis as scheduled by the shipper and the transporter.
- (10) There shall be established an escrow account to be maintained by the transporter which shall be credited with all charges received by the transporter on account of imbalances and overruns under this regulation and the transporter shall be eligible to withdraw from the escrow account the payment towards his contractual obligations with reference to supply or pay and extra efforts to compress gas in case of negative imbalance and system management of the pipeline system due to such imbalances created by the shippers.
- (11) The transporter shall submit audited statement of the escrow account referred to in sub-regulation (10) on an annual basis to the Board.
- (12) The balance amount available in the escrow account, after the eligible withdrawal by the transporter, under sub clause (10) may be utilized in such a manner and for such purposes as may be specified by the Board.

14. Planned maintenance.

- (1) The transporter is required to draw up and publish a maintenance plan well ahead of time for a defined period identifying those entry and exit points where gas flows may be restricted by maintenance works, the extent of the restrictions and the time of occurrence and the transporter shall plan such maintenance so as to minimize disruption to affected parties and can request information from shippers on their survival flows at entry and exit points to assist the transporter for such maintenance schedule.
- (2) Dates for scheduled maintenance shall be informed well in advance which can be adjusted on thirty days advance notice to and from affected shippers.
- (3) The planned maintenance period shall not exceed ten days in a year.

15. Information about *force majeure*.

- (1) The affected party shall on occurrence of any *force majeure*-
 - (a) as soon as reasonably practicable notify each of the other parties of the occurrence and nature of the *force majeure*, the expected duration thereof insofar as the same can reasonably be assessed and the obligations of the affected party performance of which is affected thereby; and
 - (b) from time to time thereafter provide to each other party reasonable details of the following, namely-
 - (i) developments in the matters notified under clause (a);
 - (ii) the steps being taken by the affected party to overcome the *force majeure* occurrence or its effects and to resume performance of its relevant obligations.
- (2) The entities shall be relieved of their respective obligations in the event of *force majeure* except for the obligation to pay when due.

16. Operational planning.

- (1) Shipper shall make daily, weekly or monthly nominations to the transporter for the quantities that it wishes to deliver to at a particular entry point and off-take at a particular exit point from the pipeline system on a daily basis in line with the provisions under these regulations.
- (2) (a) Transporter shall schedule the quantities of gas for transportation based on the nominations received and capacity available in the pipeline system.

(b) Transporter may schedule the nomination for quantities over and above the booked capacity subject to a maximum of ten per cent of the declared pipeline capacity.
- (3) (a) Transporter shall allocate quantity of gas to various shippers as determined under clause (b) of sub-regulation (2) and as per the scheduling exercise.

(b) Allocation scheduled shall be delivered to the shippers as per the destinationwise (exit point wise) schedule prepared.

17. Emergencies.

The procedures to be followed by shipper and the transporter in the event of an emergency shall be included in the access arrangements by shipper and transporter on mutually agreed terms.

18. Confidentiality of information.

All documentation, information, data, submissions and comments disclosed or delivered whether in writing or otherwise by any entity to the transporter, shipper or to any other party either in connection with or in consequence of the requirements of these regulations shall be regarded and treated as confidential and shall not be disclosed either in full or part of any or all of the documentation, information, data, submissions and comments including the contents and copies thereof in any form except in connection with any proceedings in any court.

19. Miscellaneous.

If any dispute arises with regards to the interpretation of any of the provisions of these regulations, the decision of the Board shall be final.

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Schedule – I**Format for declaring capacity of Pipeline**

(see regulation 4(2))

1. Name of entity:
2. Name of pipeline:
3. Sectionwise capacity on the pipeline(to be furnished for each section separately) :
 - (a) Number of sections:
 - (b) Name of section with start and end point:
 - (c) Capacity – (i) Volume terms (ii) Energy terms
4. Number of AHAs:
5. Number of entry points on the pipeline route:
6. Location of entry points:
7. Number of exit points:
8. Location of exit points:

9. Entry point wise capacity(to be furnished separately for each entry point):
10. Exit pointwise capacity(to be furnished separately for each exit point):
11. Technical parameters:
 - (a) Inlet pressure at entry point:
 - (b) Calorific value band at entry point:
 - (c) Temperature:
 - (d) Other elements as per Schedule - II:
12. Status of extra capacity available in the pipeline system on common carrier basis:
13. Details of common carrier capacity being used by transporter itself or on contract carrier basis:
14. Any demand pending with the transporter for common carrier usage of the pipeline alongwith duration of such pendency:
15. Preference on entry and exit points:

Schedule – II

(see regulations 5(5), 8(1)(b)(i))

Gas quality specifications

Parameters	Limit
Hydrocarbons dew pt (Degree Celsius, max.)*	0
Water dew pt(Degree Celsius, max)*	0
Hydrogen Sulphide (ppm by wt. max.)	5
Total Sulphur (ppm by wt. max.)	10
Carbon dioxide (mole % max.)	6
Total inerts (mole %)	8
Temperature (Degree Celsius, max.)	55
Oxygen(% mole vol. max.)	0.2

* At the pipeline operating pressure

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AJAY TYAGI, Secy.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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पेट्रोलियम और प्राकृतिक गैस मंत्रालय

अधिसूचना

नई दिल्ली, 2 फरवरी, 2007

सा.का.नि. 61(अ).—पेट्रोलियम अधिनियम, 1934 (1934 का 30) की धारा 4, 5, 14, 21, 22 और धारा 29 की उपधारा (1) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए केन्द्र सरकार एतद्वारा पेट्रोलियम नियमावली, 2002 में संशोधन करने के लिए निम्नलिखित नियम बनाती है
नामत: —

1. (1) इन नियमों को पेट्रोलियम (संशोधन) नियमावली, 2007 कहा जाए।

(2) ये नियम सरकारी राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. पेट्रोलियम नियमावली, 2002 में नियम 43 के बाद निम्नलिखित सन्निविष्ट किया जाएगा अर्थात् —

“43क. पोत भंजन करने वाली एजेंसी विशेषतः उत्तरदायी भंजन अथवा किनारे पर लगाने के अभिप्रेत से पोतों की स्वामिनी एजेंसी, ऐसे पोतों के भेजने का कार्य करने से पहले जिसे पोत भंजन कहा जाता है; यह देखने के लिए उत्तरदायी होगी कि :—

(क) पेट्रोलियम अथवा पेट्रोलियम वाष्प के प्रज्वलन के कारण दुर्घटनाओं की रोकथाम के लिए सभी समुचित सावधानियां बरती जाएं,

(ख) जब तक किसी टैंक में पेट्रोलियम वाष्प रहे, गैस निकासी लाइन के अलावा टैंक से वातावरण की ओर खुलने वाले सभी छिद्र बंद रखे जाएं और उन पर ताला लगाया जाए अथवा किसी अन्य प्रकार से सुरक्षापूर्वक बांधा जाए, और धारा (ग) के उपबंधों के अध्वधीन पोत भंजन क्रियाकलापों को निष्पादित करने वाली एजेंसी, टैंकों की सफाई के लिए अथवा टैंक को पेट्रोलियम वाष्प से मुक्त करने के लिए अथवा अन्य पर्याप्त कारण से, साफ करने के लिए आवश्यक छिद्र खोल अथवा ताला मुक्त करा सकती है।

(ग) कोई भी व्यक्ति मुख्य नियंत्रक द्वारा अनुमोदित प्रकार का श्वसन उपकरण पहने बिना तब तक किसी टैंक अथवा ऐसी किसी बंद जगह में प्रवेश न करे जिसमें पेट्रोलियम था अथवा पेट्रोलियम होने का संदेह है, जब तक इस कार्य के लिए सरकार द्वारा नियुक्त कोई अधिकारी किसी अनुमोदित पेट्रोलियम वाष्प-परीक्षणयंत्र की सहायता से टैंक अथवा जगह की जांच न कर ले और लिखित में अधिप्रमाणित न कर दे कि उक्त टैंक अथवा जगह पेट्रोलियम वाष्प से मुक्त है।

- (घ) पोट तब तक अपने किसी टैंक, जुड़नारों के भाग जिनमें पेट्रोलियम वाष्प या पेट्रोलियम होने की संभावना हो, पर हाटवर्क से भंजन कार्य न करे जब तक प्रत्येक ऐसा टैंक, जुड़नार का भाग जो भी स्थिति हो, किसी अनुमोदित पेट्रोलियम वाष्प-परीक्षण यंत्र की सहायता से खण्ड (ग) के अंतर्गत नियुक्त किसी अधिकारी द्वारा जांच से न गुजरा हो और लिखित में उसके द्वारा अधिप्रमाणित न किया गया हो कि टैंक, जुड़नारों का भाग पेट्रोलियम वाष्प अथवा पेट्रोलियम से मुक्त है।
- (ड.) पोट को तब तक पोट भंजन यार्ड में न ले जाया जाए जब तक खण्ड (ग) के तहत नियुक्त किसी अधिकारी से इस आशय का प्रमाणपत्र न दिया गया हो कि सभी टैंकों, काफर डैम्स, पम्प रूम और अन्य आवश्यक समझे गये भागों की जांच किसी अनुमोदित पेट्रोलियम वाष्प जांच यंत्र की सहायता से कर ली गई है, और यह कि ऐसे टैंक, काफर डैम्स, पम्प रूम और अन्य भाग पेट्रोलियम वाष्प से मुक्त हैं और पोट भंजन करने वाली एजेंसी से यह घोषणा न की गई हो कि उनके सर्वोत्तम संज्ञान में कोई पेट्रोलियम वाष्प पोट के अन्य भागों में, जो उपयुक्त प्रमाणपत्र में शामिल नहीं किए गए हैं, उपस्थित नहीं है।
- (च) खण्ड (ग) अथवा खण्ड (घ) अथवा खण्ड (ड.) के अंतर्गत प्रमाणपत्र देने वाले अधिकारी ऐसी परिस्थितियों का उल्लेख करें और ऐसी सिफारिश करे जो टैंकों, जगह अथवा अधिप्रमाणित भागों को गैस से मुक्त रखने के लिए आवश्यक है।
- (घ) खण्ड (ग), (घ) और (ड.) में संदर्भित प्रमाणपत्र समय-समय पर केन्द्र सरकार द्वारा निर्धारित शुल्क की प्राप्ति पर ही प्रदान किया जाएगा।

टिप्पणी :—संबंधित पत्तन प्राधिकारी खण्ड (ग), (घ) और (ड.) के प्रयोजनार्थ अंतिम अनुमति के मामले में प्राधिकारी होगा भले ही गैस मुक्त प्रमाण-पत्र इस नियम के खण्ड (ग) के अंतर्गत संबंधित अधिकारी से प्राप्त किए गए हों।

[फा. सं. पी-38022/6/2004-वितरण]

डी. एन. नरसिम्हा राजू, संयुक्त सचिव

नोट :—मूल नियम दिनांक 13-3-2002 की अधिसूचना सा. का. नि. 204(अ) द्वारा भारत के राजपत्र में प्रकाशित किया गया था।

MINISTRY OF PETROLEUM AND NATURAL GAS

NOTIFICATION

New Delhi, the 2nd February, 2007

G. S. R. 61 (E).—In exercise of the powers conferred by Sections 4, 5, 14, 21, 22 and sub-section (1) of Section 29 of the Petroleum Act, 1934 (30 of 1934), the Central Government hereby makes the following rules to amend the Petroleum Rules, 2002, namely :—

1. (1) These Rules may be called the Petroleum (Amendment) Rules, 2007.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Petroleum Rules, 2002, after rule 43, the following shall be inserted, namely :—

“43A. Agency undertaking ship breaking specially responsible.—The Agency, which owns vessels meant for breaking or beaching, before undertaking breaking of such vessels, called ship breaking, shall be responsible to see that—

- (a) all due precautions are taken for the prevention of accidents due to ignition of petroleum or petroleum vapour;
- (b) so long as there is petroleum vapour in a tank, all openings from the tank to the atmosphere except the gas escape line are kept closed and locked or otherwise securely fastened; and subject the provisions of clause (c), the agency undertaking the ship breaking activities may cause the necessary openings to be opened or unlocked for cleaning the tanks or for making the tank free from petroleum vapour or for other sufficient reason;
- (c) no person enters a tank or an enclosed space which had, or is suspected to have contained petroleum without wearing a breathing apparatus of a type approved by the Chief Controller unless an officer appointed by the Central Government in this behalf has examined the tank or space with the aid of an approved petroleum vapour-testing instrument and has been certified by him in writing that the said

tank or space is free from petroleum vapour.

- (d) the vessel does not undergo breaking by hot work to any of its tanks, part of fittings which are likely to contain petroleum vapour or petroleum unless each such tank, part of fittings, as the case may be, has been examined by an officer appointed under clause (c) with the aid of an approved petroleum vapour-test instrument and has been certified by him in writing that the tank, part of fittings are free from petroleum vapour or petroleum;
- (e) the vessel is not taken to ship breaking yard unless a certificate from an officer appointed under clause (c); to the effect that he has examined all the tanks, cofferdams, pump rooms and such other parts as are deemed necessary with the aid of an approved petroleum vapour-testing instrument, and that such tanks, cofferdams, pump room and other parts are free from petroleum vapour; and declaration from the agency undertaking the ship breaking activities that to the best of its knowledge there is no petroleum vapour, present in other parts of the vessel not covered by the above certificate are produced;
- (f) the officer granting certificate under clause (c) or clause (d) or clause (e) may specify such conditions and make such recommendations as are necessary to maintain gas free conditions of tanks, space or parts certified;
- (g) the certificate referred to in clauses (c), (d) and (e) shall be granted only on receipt of fee fixed by Central Government from time to time.

Note: The port authority concerned shall be the authority for the issue of final permission for the purpose of clauses (c), (d) and (e) even though Gas Free Certificates have been obtained from the officer concerned under clause (c) of this rule."

[F. No. P-38022/6/2004-Dist.]

D. N. NARASIMHA RAJU, Jt. Secy.

Note: The Principal rules was published in Gazette of India *vide* notification G.S.R. 204(E) dated 13-3-2002.



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The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड अधिसूचना

नई दिल्ली, 30 नवम्बर, 2007

सा.का.नि. 744(अ).—पेट्रोलियम और प्राकृतिक गैस बोर्ड अधिनियम, 2006 (2006 का 19) के भाग-61 के उप-भाग (2) के खण्ड (झ), (प) और (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड, एतद्वारा, निम्नलिखित विनियम बनाता है, नामतः :-

अध्याय 1

सामान्य

1. लघु शीर्षक, प्रारम्भण और व्याख्या - (1) इन विनियमों को पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (व्यापार संचलन, शिकायतें प्राप्त करना एवं जांच करना) विनियामक, 2007 कहा जाएगा।

(2) ये सरकारी राजपत्र में प्रकाशन की तारीख से प्रवृत्त होंगे।

2. परिभाषा- (1) इन विनियमों में जब तक अन्यथा संदर्भ में अपेक्षित न हो;

(क) "अधिनियम" से अभिप्राय पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड अधिनियम, 2006 से है;

(ख) "बोर्ड" से अभिप्राय भाग 3 के उप-भाग (1) के अंतर्गत स्थापित पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड से है;

(ग) "अध्यक्ष" से अभिप्राय भाग 4 के अंतर्गत गठित अध्यक्ष मण्डल से है;

(घ) "शिकायत" से अभिप्राय अधिनियम के भाग 25 में उल्लिखित "शिकायत" से है;

(ङ) "सदस्य" से अभिप्राय अधिनियम के भाग 4 के अंतर्गत नियुक्त बोर्ड के सदस्य से है;

(च) "अधिकारी" से अभिप्राय बोर्ड के अधिकारी से है;

(छ) "याचिका" से अभिप्राय सभी याचिकाओं या शिकायतों, आवेदन-पत्र, अप्यावेदन, उत्तर, प्रत्युत्तर, अनुपूरक अभिवचन, अन्य कागजात और दस्तावेज से है;

(ज) "कार्यवाहियों" से अभिप्राय ऐसी सभी प्रकार की कार्यवाहियों से हैं जो बोर्ड अधिनियम के अंतर्गत अपने कार्यों के निर्वहन में करेंगे।

(2) इन विनियमों में प्रयुक्त शब्द या अभिव्यक्तियों, जिन्हें यहां परिभाषित नहीं किया गया है लेकिन अधिनियम में व्याख्या की गई है, का अर्थ वही होगा जो अधिनियम में है।

(3) जब तक यहां अथवा अधिनियम में परिभाषित न किया गया हो, इन विनियमों पर समय-समय पर यथासंशोधित सामान्य खण्ड अधिनियम, 1897 के प्रावधान लागू होंगे।

3. बोर्ड के मुख्यालय और क्षेत्रीय कार्यालयों के कार्य घण्टे- जब तक अन्यथा निर्देश न दिया जाए, बोर्ड का मुख्यालय और क्षेत्रीय कार्यालय शनिवार, रविवार और केन्द्र सरकार द्वारा अधिसूचित केन्द्र सरकार की छुट्टियों के अलावा रोजाना खुलेंगे। कार्यालय का समय प्रातः 9.00 बजे से सायं 5.30 बजे तक होगा।

4. जहां किसी कार्य को करने का अंतिम दिन ऐसे दिन पड़ता है जिस दिन बोर्ड का कार्यालय बंद हो और इस कारण से वह कार्य उस दिन न किया जा सकता हो, तो उसे अगले दिन किया जा सकता है जिस दिन कार्यालय खुला हो।

5. बोर्ड उसके द्वारा विनिर्दिष्ट किसी तारीख और समय पर मुख्यालय या अन्य किसी स्थल पर मामलों की सुनवाई के लिए बैठकें आयोजित कर सकता है।

6. बोर्ड की भाषा - जब तक अन्यथा बोर्ड द्वारा निर्णय न लिया जाए, बोर्ड की कार्यवाहियां अंग्रेजी या हिन्दी में की जाएंगी।

7. बोर्ड द्वारा कोई याचिका, शिकायत, दस्तावेज या अन्य सामग्री अंग्रेजी या हिन्दी के अलावा अन्य किसी भाषा में स्वीकार नहीं की जाएगी, जब तक कि उसका अंग्रेजी या हिन्दी में अनुवाद संलग्न न हो:

बशर्ते कि यह ऐसी याचिका, शिकायत, दस्तावेज या अन्य सामग्री प्रस्तुत करने वाली पार्टी का दायित्व होगा कि वह उसका अंग्रेजी या हिन्दी में सही अनुवाद उपलब्ध कराए:

आगे यह भी कि बोर्ड उपयुक्त मामलों में अंग्रेजी या हिन्दी में अनुवाद, जैसी भी स्थिति हो, का सत्यापन किसी व्यक्ति या निकाय, जिन्हें वह उपयुक्त समझता हो, से करा सकता है, और ऐसे अनुवाद का वही अर्थ होगा जैसा उस व्यक्ति या निकाय द्वारा सत्यापित किया गया हो।

8. बोर्ड की मोहर - बोर्ड की अपनी मोहर होगी।

9. बोर्ड की मोहर लगाना - बोर्ड की मोहर बोर्ड के संकल्प के अनुसरण को छोड़कर किसी प्रपत्र पर नहीं लगाई जाएगी।

10. संविदा लागू किए जाने की पद्धति और तरीका - (i) बोर्ड द्वारा किसी ओर से की जाने वाली किसी संविदा पर सचिव द्वारा या इस संबंध में अध्यक्ष द्वारा विधिवत अधिकृत अन्य किसी अधिकारी द्वारा हस्ताक्षर किए जाएंगे।

(2) किसी संविदा से संबंधित किसी दस्तावेज पर सचिव द्वारा या इस संबंध में अध्यक्ष द्वारा विधिवत अधिकृत किसी अन्य अधिकारी द्वारा बोर्ड की ओर से हस्ताक्षर और सत्यापन किया जाएगा।

(3) इस विनियम के प्रावधानों के अनुसार किए गए सभी करार वैध होंगे तथा बोर्ड के लिए बाध्यकारी होंगे।

11. लेखा और दस्तावेज पर किसके हस्ताक्षर होंगे - (1) अध्यक्ष द्वारा नामित सचिव या किसी अधिकारी को एतद् द्वारा बोर्ड के लिए और उसकी ओर से अनेक प्रकार से पराक्राम्य लिखत, स्टॉक प्राप्ति, स्टॉक, डिबेंचर, शेयरों, प्रतिभूतियों और बोर्ड के नाम पर या बोर्ड द्वारा धारित चल और अचल परिसंपत्तियों से संबंधित शीर्षक प्रलेख का पृष्ठांकन और हस्तांतरण करने, और बोर्ड के वर्तमान और प्राधिकृत व्यापार में विनिमय बिलों और अन्य दस्तावेजों को निकालने, स्वीकृत और पृष्ठांकित करने तथा ऐसे कारोबार से संबद्ध अन्य सभी लेखाओं, रसीदों और दस्तावेजों पर हस्ताक्षर करने का अधिकार दिया जाता है।

(2) विधिक कार्यवाहियों से संबद्ध वाद-पत्रों, लिखित विवरणों, शिकायतों, शपथ-पत्रों, याचिकाओं और अन्य किसी दस्तावेज पर सचिव द्वारा या अध्यक्ष द्वारा अधिकृत किसी अन्य अधिकारी जो बोर्ड के लिए और बोर्ड की ओर से ऐसे दस्तावेजों पर हस्ताक्षर करेगा, द्वारा बोर्ड की ओर से हस्ताक्षर तथा सत्यापन किया जाएगा।

12. बोर्ड के समक्ष कार्यवाहियों में भागीदारी - (1) बोर्ड किसी एसोसिएशन या अन्य निगमित निकाय या उपभोक्ताओं के किसी समूह को बोर्ड के समक्ष किन्हीं कार्यवाहियों में भाग लेने की अनुमति देने के लिए स्वतंत्र होगा।

(2) बोर्ड कार्यवाहियों को समय पर पूरा करने की दृष्टि से उपर्युक्त संदर्भित एसोसिएशनों/समूहों को एकत्र होने का निर्देश देने के लिए स्वतंत्र होगा ताकि वे सामूहिक शपथ-पत्र बना सकें।

(3) बोर्ड जब कभी उपर्युक्त समझे, उसके समक्ष प्रस्तुत करने के प्रयोजनार्थ एसोसिएशनों, समूहों, मंचों या नियमित निकायों को मान्यता देने के लिए किसी प्रक्रिया को अधिसूचित कर सकता है।

13. उपभोक्ताओं के हितों का प्रतिनिधित्व - (1) अध्यक्ष, यदि आवश्यक समझे, तो उपभोक्ताओं के हितों का प्रतिनिधित्व करने के लिए बोर्ड के किसी अधिकारी या अन्य किसी व्यक्ति को नियुक्त कर सकता है।

(2) बोर्ड उपभोक्ताओं के हितों का प्रतिनिधित्व करने वालों के लिए नियुक्त किसी अधिकारी या व्यक्ति को कार्यवाहियों में ऐसी पार्टियों के शुल्क, लागत और खर्चों का भुगतान करने का निर्देश दे सकता है, जिसे बोर्ड उपर्युक्त समझता हो।

अध्याय II

बोर्ड के समक्ष कार्यवाहियों से संबंधित सामान्य नियम

14. बोर्ड के समक्ष कार्यवाहियाँ, आदि - बोर्ड समय-समय पर सुनवाई, बैठकों, चर्चाओं, विचार-विमर्शों, जांच अन्वेषणों और परामर्शों का आयोजन कर सकता है जिन्हें वह अधिनियम के अंतर्गत अपने कार्यों के निर्वहन में उपयुक्त समझता हो:

बशर्ते कि बोर्ड की बैठकों को समय-समय पर संशोधित पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (बोर्ड की बैठकें) विनियम, 2007 के अनुसार बुलाया जाए।

15. खण्डपीठ द्वारा विवादों का निपटान - सदस्य (विधि) और अध्यक्ष द्वारा नामित एक या अधिक सदस्यों वाले खण्डपीठ द्वारा अधिनियम के प्रावधानों के अनुसार अधिनियम के भाग 24 के अंतर्गत विवादों पर निर्णय लिया जाएगा।

16. प्रतिनिधित्व करने का अधिकार - कोई व्यक्ति किसी अधिवक्ता या पेशा-प्रमाणपत्र रखने वाले किसी सांविधिक व्यावसायिक निकाय के सदस्य को अधिकृत कर सकता है जिसे बोर्ड समय-समय पर बोर्ड के समक्ष उसकी ओर से प्रतिनिधित्व करने तथा कार्यवाई एवं पैरवी करने के लिए विनिर्दिष्ट कर सकता है। वह व्यक्ति बोर्ड के समक्ष स्वयं भी उपस्थित हो सकता है या अपने किसी कर्मचारी को अधिकृत कर सकता है जो उसकी ओर से कार्यवाई और पैरवी करेगा। बोर्ड समय-समय पर निबंधन और शर्तों को विनिर्दिष्ट करेगा, जिसके अधीन संबंधित व्यक्ति अन्य किसी व्यक्ति को उसकी ओर से प्रतिनिधित्व करने तथा कार्यवाई और पैरवी करने के लिए अधिकृत कर सकता है।

17. कार्यवाहियों का प्रारम्भण - (1) बोर्ड अपने आप से या अधिनियम के प्रावधानों के अंतर्गत किसी प्रभावित या संबद्ध व्यक्ति द्वारा दायर याचिका या शिकायत पर कोई कार्यवाही प्रारम्भ कर सकता है।

(2) कार्यवाहियाँ प्रारम्भ करने का नोटिस बोर्ड द्वारा जारी किया जाएगा और बोर्ड ऐसे प्रभावित पक्षों को नोटिस देने, याचिका के विरोध या पक्ष में उत्तर और प्रत्युत्तर प्रस्तुत करने या उसके निर्देशानुसार शिकायत दर्ज करने के लिए ऐसे आदेश और निर्देश दे सकता है जैसा वह आवश्यक समझता हो। बोर्ड, यदि उपयुक्त समझे, तो कार्यवाहियों में शामिल मुद्दों, उस रूप में जैसा बोर्ड निर्देश करे, पर टिप्पणियाँ आमंत्रित करने के लिए याचिका या शिकायत के प्रकाशन के लिए आदेश जारी कर सकता है।

(3) जांच का नोटिस जारी करते समय बोर्ड, उपयुक्त मामलों में, बोर्ड के किसी अधिकारी या अन्य किसी व्यक्ति, जिसे बोर्ड मामले में याचिकाकर्ता/शिकायतकर्ता की हैसियत से मामले को प्रस्तुत करने के लिए उपयुक्त समझता हो, को अधिकृत कर सकता है।

18. बोर्ड के समक्ष याचिकाएं या शिकायतें और पैरवी - बोर्ड के समक्ष दायर की जाने वाली सभी याचिकाएं या शिकायतें सफेद कागज के एक ओर स्पष्ट रूप से और पढ़ने योग्य टाइप, साइकलोस्टाइल या मुद्रित होनी चाहिए और प्रत्येक पृष्ठ पर क्रम से नम्बर लिखा होना चाहिए। याचिका या शिकायत की विषय-वस्तु अलग-अलग पैराओं में उपयुक्त रूप से विभाजित होनी चाहिए, जिन पर क्रम से नम्बर लगा हो। याचिका या शिकायत के साथ आंकड़े और विवरण देने वाले ऐसे दस्तावेज लगे होने चाहिए जैसा बोर्ड ने विनिर्दिष्ट किया हो।

19. सामान्य शीर्षक और शिकायत का स्वरूप - बोर्ड के समक्ष सभी याचिकाओं या शिकायतों तथा सभी प्रकाशनों और नोटिस में सामान्य शीर्षक प्रपत्र-I में होंगे। प्रत्येक याचिका या शिकायत प्रपत्र-II या यथासंभव उससे मिलती-जुलती होगी।

20. समर्थन में शपथपत्र - (1) याचिकाओं या शिकायतों का सत्यापन शपथपत्र द्वारा किया जाएगा और ऐसा प्रत्येक शपथपत्र प्रपत्र-III में होगा।

(2) प्रत्येक शपथपत्र उत्तम पुरुष में तैयार किया जाएगा और उसमें अभिसाक्षी का पूरा नाम, आयु, व्यवसाय और पत्तों का उल्लेख होना चाहिए तथा जिस हैसियत से वह शपथपत्र पर हस्ताक्षर कर रहा है और करेगा और किसी ऐसे व्यक्ति के समक्ष शपथ लेगा जिसे विधि द्वारा शपथ लेने और प्राप्त करने के लिए अधिकृत किया गया हो।

(3) प्रत्येक शपथपत्र में विवरणों को स्पष्ट और पृथक रूप से दर्शाया जाएगा जो-

- क) अभिसाक्षी की जानकारी में;
- ख) अभिसाक्षी द्वारा प्राप्त जानकारी; और
- ग) अभिसाक्षी के विचार में सत्य हैं।

(4) जहां शपथपत्र में दिया गया कोई विवरण अभिसाक्षी द्वारा प्राप्त सूचना के अनुसार सत्य पाया जाता है तो शपथपत्र में सूचना के स्रोत का उल्लेख तथा यह वक्तव्य भी दिया जाएगा कि अभिसाक्षी का मानना है कि यह सूचना सही है।

21. यदि कोई व्यक्ति बोर्ड की किसी कार्यवाही में या किन्हीं कार्यवाहियों में इस्तेमाल किए जाने वाले प्रयोजनार्थ झूठा साक्ष्य गढ़ता है तो वह भारतीय दण्ड संहिता, 1860 (1860 का 45) की धारा 193 के अनुसार दण्ड पाने का हकदार होगा।

22. याचिकाओं या शिकायतों को प्रस्तुति और संवीक्षा - (1) सभी याचिकाओं या शिकायतों की दस प्रतियां प्रस्तुत की जाएंगी और याचिका या शिकायत का प्रत्येक सेट सभी दृष्टि से पूर्ण होगा। बोर्ड द्वारा निर्धारित शुल्क याचिका या शिकायत के साथ देय होगा।

(2) सभी याचिकाओं या शिकायतों को व्यक्तिगत रूप में या किसी विधिवत अधिकृत एजेंट या मुख्यालय के प्रतिनिधि या ऐसे अन्य प्रस्तुति केन्द्र या केन्द्रों पर दिया जाएगा जैसा कि बोर्ड द्वारा समय-समय पर और अधिसूचित समय के दौरान अधिसूचित किया जाता है। याचिकाओं और शिकायतों को ऊपर उल्लिखित स्थलों पर बोर्ड को पावती सहित पंजीकृत डाक द्वारा भी भेजी जा सकती है। अधिवक्ता के पक्ष में वकालतनामा, यदि याचिकाओं या शिकायतों को किसी अधिकृत प्रतिनिधि द्वारा प्रस्तुत किया जाता है तो प्रतिनिधित्व को अधिकृत करने वाले दस्तावेज याचिका या शिकायत के साथ प्रस्तुत किए जाएंगे, यदि मामला दर्ज करते समय ऐसा पहले से नहीं किया गया हो।

(3) याचिका या शिकायत प्राप्त होने पर याचिका या शिकायत प्राप्त करने के उद्देश्य से अधिकृत बोर्ड का अधिकारी जिस तारीख को याचिका या शिकायत प्रस्तुत की गई है, पर मोहर और तारीख लिखकर पावती देगा तथा याचिका या शिकायत दायर करने वाले व्यक्ति को मोहर और तारीख सहित रसीद जारी करेगा। यदि याचिका या शिकायत पंजीकृत डाक द्वारा प्राप्त होती है तो जिस तारीख को बोर्ड के कार्यालय में याचिका या शिकायत वास्तव में प्राप्त होती है, वही तारीख याचिका या शिकायत प्रस्तुत करने की तारीख मानी जाएगी।

(4) याचिका या शिकायत की प्रस्तुति और प्राप्ति पर विधिवत नम्बर लगाए जाएंगे और उन्हें बोर्ड के कार्यालय द्वारा इस उद्देश्य के लिए रखे गए रजिस्टर में दर्ज किया जाएगा।

(5) प्राप्ति अधिकारी किसी याचिका या शिकायत को प्राप्त करने से मना कर सकता है जो अधिनियम या नियमों या विनियमों के प्रावधानों या बोर्ड द्वारा दिए गए निर्देशों के अनुरूप न हो या अन्यथा अपूर्ण हो या जिसे बोर्ड के विनियमों या निर्देशों के अनुसार दूसरे ढंग से प्रस्तुत किया गया हो।

बशर्ते कि किसी याचिका या शिकायत की पैरवी या प्रस्तुति में दोष पाए जाने पर याचिका या शिकायत देने वाले व्यक्ति को निर्धारित समयावधि, जो इस उद्देश्य के लिए दी गई हो, में दोष दूर करने के लिए मौका दिए बिना मना नहीं किया जाएगा। प्राप्ति अधिकारी दायर की गई याचिका का शिकायत में दोषों की जानकारी याचिका या शिकायत दायर करने वाले व्यक्ति को लिखित में देगा।

(6) याचिका या शिकायत प्रस्तुत करने के संबंध में प्राप्ति अधिकारी के किसी आदेश से पीड़ित कोई व्यक्ति मामलों को बोर्ड के सचिव के समक्ष उपयुक्त आदेशों के लिए प्रस्तुत किए जाने का अनुरोध कर सकता है।

(7) अध्यक्ष या इस उद्देश्य के लिए अध्यक्ष द्वारा अधिकृत कोई सदस्य पार्टी द्वारा प्रस्तुत याचिका या शिकायत मंगाने और याचिका या शिकायतों को प्रस्तुत तथा स्वीकृत करने, जैसा वह उपयुक्त समझता हो, संबंधी निर्देश देने का हकदार होगा।

(8) यदि जांच करने पर याचिका या शिकायत को अस्वीकृत नहीं किया जाता है या अस्वीकृति के किसी आदेश में सचिव या अध्यक्ष या इस उद्देश्य के लिए अधिकृत बोर्ड के सदस्य द्वारा सुधार कर लिया जाता है तो याचिका या शिकायत को विधिवत पंजीकृत किया जाएगा तथा उपर्युक्त उप-खण्ड (4) में विनिर्दिष्ट अनुसार एक नम्बर दिया जाएगा।

(9) जैसे ही याचिका या शिकायत तथा सभी आवश्यक दस्तावेज प्रस्तुत कर दिए जाते हैं और दोष और आपत्तियाँ, यदि कोई हों, को दूर कर लिया जाता है, और याचिका या शिकायत की जांच कर उस पर नम्बर लगा दिया जाता है, तो याचिका या शिकायत को प्राथमिक सुनवाई और स्वीकृति के लिए बोर्ड के

समक्ष प्रस्तुत किया जाएगा।

(10) बोर्ड पार्टी की उपस्थिति के बिना सुनवाई के लिए याचिका या शिकायत को स्वीकृत कर सकता है। बोर्ड संबंधित पक्ष को सुनवाई का अवसर दिए बिना अस्वीकृति का आदेश नहीं देगा। बोर्ड यदि उपयुक्त समझे तो ऐसे व्यक्ति या व्यक्तियों को नोटिस जारी कर सकता है जिन्हें वह स्वीकृति के लिए याचिका या शिकायत की सुनवाई में उपस्थित रहना जरूरी समझता हो। शिकायत करने पर बोर्ड तीस दिनों के अंदर निर्णय करेगा कि क्या कंपनी या संबंधित कंपनियों के खिलाफ प्रथम दृष्टया मामला बनता है और वह मामले की स्वयं जांच करेगा या उसे अधिनियम के प्रावधानों के अनुसार न्यायाधिकार संबंधी किसी जांच अधिकारी के पास जांच हेतु भेजेगा; और जब मामले को ऐसे जांच अधिकारी को भेजा जाता है, तो उससे रिपोर्ट के प्राप्त होने पर बोर्ड अधिनियम के प्रावधानों के अनुसार विवाद के रूप में शिकायत की सुनवाई और निपटान कर सकता है और अन्यथा ऐसा आदेश पारित कर सकता है और निर्देश जारी कर सकता है जैसा वह उचित समझता हो।

(11) यदि बोर्ड याचिका या शिकायत को स्वीकार करता है, तो वह प्रतिवादी (प्रतिवादियों) और अन्य प्रभावित या संबंधित पक्षों को नोटिस देने के लिए ऐसे आदेश और निर्देश दे सकता है जिससे वे बोर्ड के निर्देशानुसार तथा बोर्ड या खण्डपीठ, जैसी भी स्थिति हो, के समक्ष सुनवाई के लिए प्रस्तुत की जाने वाली याचिका या शिकायत के विरोध में उत्तर और प्रत्युत्तर दे सकें या ऐसे रूप में शिकायत कर सकें जैसा बोर्ड ने निर्देश दिया हो।

23. बोर्ड द्वारा जारी नोटिस और प्रक्रिया जारी करना - (1) बोर्ड द्वारा जारी कोई नोटिस, प्रक्रिया या सम्मन बोर्ड के निर्देशानुसार निम्नलिखित एक या अधिक पद्धति के लिए दिया जाएगा:

क) बोर्ड के निर्देशानुसार कार्यवाहियों से संबंधित किसी पक्ष के जरिए;

ख) संदेशवाहक द्वारा दस्ती सुपुर्दगी;

ग) पावती सहित पंजीकृत डाक द्वारा;

घ) ऐसे मामलों में समाचारपत्रों में प्रकाशन द्वारा, जिनके बारे में बोर्ड इस बात से संतुष्ट हो कि ऊपर उल्लिखित पद्धति से किसी व्यक्ति को नोटिस देना प्रक्रिया करना आदि उपयुक्त रूप से व्यवहार्य न हो;

ड.) अन्य कोई पद्धति से, जिसे बोर्ड उपयुक्त समझता हो।

(2) बोर्ड प्रत्येक मामले में ऐसे व्यक्तियों के संबंध में निर्णय लेने का अधिकार होगा जो ऐसी सेवा या प्रकाशन की लागत को वहन करेंगे।

(3) किसी व्यक्ति को दिए या सुपुर्द किए जाने वाले प्रत्येक नोटिस या प्रक्रिया को उस व्यक्ति या उसके एजेंट को भेजा जाएगा जो उसके द्वारा दिए गए पते पर या उस स्थान पर जहां व्यक्ति या उसका एजेंट सामान्यतः रहता है या व्यापार करता है या लाभ के लिए व्यक्तिगत रूप से कार्य करता है, पर सेवा प्राप्त करने के लिए अधिकृत हो।

(4) यदि बोर्ड के समक्ष कोई मामला लंबित हो और नोटिस दिए जाने वाले व्यक्ति ने किसी एजेंट या प्रतिनिधि को मामले में प्रस्तुत होने या उसका प्रतिनिधित्व करने के लिए प्रधिकृत किया हो तो ऐसा एजेंट या प्रतिनिधि सभी मामलों में संबंधित पक्ष की ओर से नोटिस लेने और प्रक्रिया के लिए विधिवत अधिकृत माना जाएगा और ऐसे एजेंट या प्रतिनिधि की सेवा को नोटिस दिए जाने वाले व्यक्ति की यथोचित सेवा मानी जाएगी।

(5) जहां किसी पक्ष द्वारा कार्यवाहियों के दौरान व्यक्तिगत रूप से या पंजीकृत डाक द्वारा नोटिस दिया जाता है, वहां बोर्ड को तामील शपथपत्र संबंधित पक्ष द्वारा दिया जाएगा। जिसमें नोटिस और प्रक्रियाओं की तामील की तारीख और पद्धति का ब्यौरा दिया होगा।

(6) जहां कोई याचिका या शिकायत प्रकाशित की जानी हो, उसे बोर्ड द्वारा विनिर्दिष्ट ऐसी अवधि और ऐसे समय के अंदर समाचारपत्रों में प्रकाशित किया जाएगा, जैसा बोर्ड द्वारा निर्देश दिया जाए।

(7) नोटिस, सम्मन या प्रक्रियाओं या उनके प्रकाशन की तामील के संबंध में बोर्ड के विनियमों या निर्देशों की आवश्यकताओं के अनुपालन में चूक होने पर बोर्ड या तो याचिका या शिकायत को खारिज कर सकता है या ऐसा अन्य या आगे निर्देश दे सकता है जैसा वह उपयुक्त समझता हो।

(8) किसी व्यक्ति के नाम या विवरण में कोई कमी पाए जाने के कारण की जाने वाली कोई तामील या प्रकाशन को अवैध नहीं माना जाएगा, बशर्ते कि बोर्ड इस बात से संतुष्ट हो कि ऐसी तामील अन्य सदस्यों में पर्याप्त हो, और किसी कार्यवाही को किसी दोष या अनियमितता के कारण अवैध करार नहीं दिया जाएगा जब तक बोर्ड का की गई आपत्ति पर यह मत हो कि ऐसे दोष या अनियमितता से पर्याप्त अन्याय हुआ है या अन्यथा ऐसा करने के पर्याप्त कारण हों।

24. उत्तर, विरोध, आपत्तियाँ आदि दायर करना - (1) प्रत्येक व्यक्ति, जिसे जांच या याचिका या शिकायत का नोटिस जारी किया जाता है (इसके बाद से 'प्रतिवादी' के रूप में उल्लेख किया जाएगा), जो याचिका या शिकायत का विरोध या समर्थन करना चाहता है, का दस प्रतियों में ऐसी अवधि के अंदर अपना उत्तर और संबंधित दस्तावेज प्रस्तुत करना होगा। प्रस्तुत उत्तर में प्रतिवादी जांच नोटिस या याचिका या शिकायत में उल्लिखित तथ्यों को विशेष रूप से स्वीकृत, अस्वीकृत या स्पष्ट करेगा तथा ऐसे अतिरिक्त तथ्यों का भी उल्लेख करेगा, जिन्हें वह मामले के उचित निर्णय के लिए आवश्यक समझता हो। उत्तर पर उसी प्रकार हस्ताक्षर और सत्यापन किया जाएगा और शपथ-पत्र संलग्न किया जाएगा जैसा याचिका या शिकायत के मामले में किया गया था।

(2) प्रतिवादी याचिकाकर्ता या शिकायतकर्ता या अपने अधिकृत प्रतिनिधि को सही प्रतियों के रूप में विधिवत प्रमाणित दस्तावेजों सहित उत्तर की एक प्रति देगा तथा बोर्ड के कार्यालय में ऐसी तामील का प्रमाण प्रस्तुत करेगा।

(3) जहां प्रतिवादी मामले के उचित निर्णय के लिए अतिरिक्त तथ्यों, जो आवश्यक हों, का उल्लेख करता है, वहां बोर्ड याचिकाकर्ता/शिकायतकर्ता को प्रतिवादियों द्वारा दायर उत्तर पर प्रतियुत्तर दायर करने की अनुमति दे सकता है। उत्तर दायर करने के लिए ऊपर उल्लिखित प्रक्रिया आवश्यक परिवर्तनों सहित प्रतियुत्तर दायर करने पर भी लागू होगी।

(4) प्रत्येक व्यक्ति, जो इस प्रयोजनार्थ (उन व्यक्तियों के अलावा जिनसे उत्तर मांगने के लिए नोटिस, प्रक्रिया आदि जारी की गई है) प्रकाशन के अनुसरण में बोर्ड के समक्ष लंबित मामले के संबंध में आपत्ति या टिप्पणियाँ दायर करना चाहता हो, वह इस प्रयोजनार्थ निर्धारित समय के अंदर दस्तावेजों और साक्ष्यों की प्रतियों सहित आपत्ति या टिप्पणियों के विवरण को बोर्ड द्वारा नामित अधिकारी को सौंपेगा।

(5) बोर्ड एसोसिएशनों, मंचों और निगमित निकायों सहित ऐसे व्यक्ति या व्यक्तियों, जिन्हें वह बोर्ड के समक्ष कार्यवाहियों में भाग लेने के लिए उपयुक्त समझता हो और यदि अधिकारी से रिपोर्ट प्राप्त होने पर बोर्ड यह समझता है कि ऐसे व्यक्ति या व्यक्तियों के भाग लेने से कार्यवाहियों तथा मामले में निर्णय लेने में सुविधा होगी, को अनुमति दे सकता है।

(6) जब तक बोर्ड द्वारा अनुमति न दी जाए आपति या टिप्पणियां दायर करने वाले व्यक्ति के लिए यह जरूरी नहीं कि वह मौखिक प्रस्तुति करने के लिए कार्यवाहियों में भाग लेने का पात्र होगा। तथापि, बोर्ड आपतियों या टिप्पणियों से संबंधित कार्यवाहियों के दौरान संबंधित पक्षों को ऐसे अवसर देने के बाद आपतियों और टिप्पणियों पर विचार करने का हक होगा, जिन्हें बोर्ड उपयुक्त समझता हो।

25. मामले की सुनवाई - (1) बोर्ड मामले की सुनवाई के चरणों, पद्धति, स्थान, तारीख और समय, जैसा वह उपयुक्त समझता हो, को निर्धारित कर सकता है।

(2) बोर्ड पक्षों की पैरवियों पर मामले में निर्णय ले सकता है या पक्षों को मामले में शपथपत्र द्वारा या प्रमुख मौखिक साक्ष्य प्रस्तुत करने के लिए कह सकता है।

(3) यदि बोर्ड किसी पक्ष के साक्ष्य को मौखिक प्रस्तुति द्वारा प्रस्तुत करने का निर्देश देता है तो बोर्ड, यदि आवश्यक या उचित समझे, तो साक्ष्य देने वाले व्यक्तियों की प्रतिपरीक्षा के लिए दूसरे पक्ष को अवसर प्रदान कर सकता है।

(4) यदि बोर्ड आवश्यक या उचित समझता हो तो किसी भी पार्टी के साक्ष्य को किसी अधिकारी या अध्यक्ष द्वारा इस प्रयोजन के लिए अधिकृत व्यक्ति द्वारा रिकार्ड करने का निदेश दे सकता है।

(5) बोर्ड इस मामले में तर्क या निवेदन को लिखित रूप में दायर करने के लिए संबंधित पक्षों को निदेश दे सकता है।

26. अतिरिक्त सूचना, साक्ष्य आदि मांगने के लिए बोर्ड के अधिकार - (1) बोर्ड किसी मामले में आदेश पारित करने से पूर्व किसी समय सभी पक्षों से या किसी एक या एक से अधिक पक्षों से या किसी

ऐसे व्यक्ति से ऐसे दस्तावेजी या अन्य साक्ष्य प्रस्तुत करने के लिए कह सकता है जिसे वह आदेश पारित करने के प्रयोजन से आवश्यक समझता हो।

(2) बोर्ड किसी गवाह को बुलाने, साक्ष्य में प्रस्तुत किए जाने योग्य किसी दस्तावेज या अन्य सामग्री को खोजने और प्रस्तुत करने, किसी कार्यालय के सार्वजनिक रिकार्ड को मंगाने, किसी व्यक्ति के कब्जे या नियंत्रण में रखे गए खातों, लेखों या अन्य दस्तावेजों की बोर्ड के किसी अधिकारी द्वारा जांच किए जाने के लिए सम्मन भेजने का निदेश दे सकता है जिसे इस मामले में बोर्ड संगत समझता हो।

(3) जो कोई भी बोर्ड की किसी कार्यवाही में जानबूझकर गलत सूचना देता है या किसी कार्यवाही में इस्तेमाल किए जाने के प्रयोजन से मिथ्या साक्ष्य गढ़ता है तो वह भारतीय दण्ड संहिता, 1860 (1860 का 45) की धारा 193 के अनुसार दण्डनीय होगा।

(4) जो कोई भी बोर्ड की किसी कार्यवाही की अवहेलना करता है या बाधा पहुंचाता है तो वह भारतीय दण्ड संहिता, 1860 (1860 का 45) की धारा 228 के अनुसार दण्डनीय होगा।

27. अन्य के लिए मुद्दों के संदर्भ - (1) बोर्ड कार्यवाही के किसी चरण पर मामले से संबंधित ऐसे मुद्दे या मुद्दों को बोर्ड के उन अधिकारियों और परामर्शदाताओं को संदर्भित करने का पात्र होगा जिन्हें वह विशेषज्ञ सलाह या विचार देने के लिए योग्य समझता हो।

(2) अध्यक्ष समय-समय पर किसी व्यक्ति सहित किसी अधिकारी और परामर्शदाता को स्थल या वहां स्थित किसी सुविधा की मौजूदगी या स्थिति का निरीक्षण करने और रिपोर्ट देने के लिए किसी स्थान या स्थानों का दौरा करने के लिए नामित कर सकता है।

(3) यदि बोर्ड उचित समझता हो तो संदर्भित मुद्दों या मामलों पर अपने विचार व्यक्त करने के लिए उपर्युक्त उप-खंड (1) या (2) में पदनामित व्यक्तियों के समक्ष व्यक्तिगत रूप से उपस्थित होने के लिए पक्षों को निदेश दे सकता है।

(4) ऐसे व्यक्ति से प्राप्त हुई रिपोर्ट या विचार मामले के रिकार्ड का हिस्सा होंगे और बोर्ड द्वारा पदनामित व्यक्ति द्वारा दी गई रिपोर्ट या मत की प्रतियां पार्टियों को दी जाएंगी। पार्टियां रिपोर्ट या मत के समर्थन या विरोध में अपना पक्ष रखने की पात्र होंगी।

(5) बोर्ड उस व्यक्ति द्वारा दी गई रिपोर्ट या मत, मामले पर निर्णय करते समय पार्टियों द्वारा दिए गए उत्तर पर विचार करेगा और यदि आवश्यक समझा गया तो रिपोर्ट या मत देने वाले व्यक्ति का बोर्ड के समक्ष परीक्षण किया जाएगा।

28. पार्टी के उपस्थित न होने पर अपनाई जाने वाली प्रक्रिया - (1) सुनवाई के लिए निर्धारित की गई तारीख या ऐसी तारीख को जब सुनवाई स्थगित हो गई हो यदि दोनों में से कोई पार्टी या उनका कोई प्राधिकृत एजेंट या प्रतिनिधि सुनवाई के लिए प्रस्तुत हुए मामले में उपस्थित नहीं होता है तो बोर्ड अपने विवेकानुसार बोर्ड सुनवाई के लिए आवेदन करने वाले व्यक्ति या याचिकाकर्ता/शिकायतकर्ता के उपस्थित न रहने पर उस याचिका या शिकायत को खारिज कर सकता है या एक तरफा कार्यवाही कर सकता है।

(2) जब कोई याचिका या शिकायत में चूक होने पर या एक-तरफा निर्णय देने की स्थिति में खारिज कर दी जाती है या एक निर्णय दिया जाता है तो प्रभावित व्यक्ति खारिज किए जाने या एक-तरफा कार्यवाही किए जाने, जैसा भी मामला हो, की तारीख से तीस दिन के भीतर पारित किए गए आदेश पर पुनः विचार करने के लिए आवेदन कर सकता है और बोर्ड याचिका या शिकायत पर सुनवाई के लिए बुलाए जाने पर उपस्थित न होने के पर्याप्त कारण से संतुष्ट होने पर जैसा वह उचित समझे, उस आदेश पर पुनः विचार कर सकता है।

29. बोर्ड के आदेश - (1) बोर्ड द्वारा जारी या सूचित किए गए सभी आदेश और निर्णय अध्यक्ष द्वारा इस कार्य के लिए प्राधिकृत बोर्ड के सचिव या किसी अन्य अधिकारी के हस्ताक्षर द्वारा प्रमाणित होंगे और उन पर बोर्ड की मोहर लगी होगी।

(2) कार्यवाहियों से संबंधित बोर्ड के सभी अंतिम आदेश अध्यक्ष द्वारा प्राधिकृत बोर्ड के सचिव या किसी अन्य अधिकारी के हस्ताक्षर से पार्टियों को भेज जाएंगे।

(2) बोर्ड की किसी कार्यवाही में जानबूझकर झूठे साक्ष्य देना या किसी कार्यवाही में इस्तेमाल करने के उद्देश्य से झूठे साक्ष्य बनाना भारतीय दण्ड संहिता, 1860 (1860 का 45) की धारा 193 के अनुसार दण्डनीय होगा।

(3) बोर्ड की किसी कार्यवाही में जानबूझकर बदतमीजी करता या बाधा पहुँचाना भारतीय दण्ड संहिता, 1860 (1860 का 45) की धारा 228 के अनुसार दण्डनीय होगा।

47. याचिका या शिकायत का प्रकाशन - (1) यदि अधिनियम या इन विनियमों या बोर्ड में निदेशानुसार किसी आवेदन, याचिका या शिकायत या अन्य मामले को प्रकाशित करना अपेक्षित है तो जब तक कि बोर्ड अन्यथा आदेश न दे या अधिनियम या विनियमों में अन्यथा उल्लेख न हो तो उसे सुनवाई के लिए निर्धारित तारीख से कम से कम सात दिन पहले प्रकाशित किया जाएगा।

(2) अन्यथा उपबंधित के सिवाय ऐसे प्रकाशन पर संक्षेप में विषय-वस्तु का उल्लेख किया जाएगा।

(3) प्रकाशित किए जाने वाले ऐसे प्रकाशन अनुमोदित करने के लिए प्राधिकृत बोर्ड के अधिकारी द्वारा अनुमोदित करवाए जाएंगे।

48. अभिलेखों का निरीक्षण और गोपनीयता - (1) बोर्ड के अभिलेख उन अंशों को छोड़कर जिन्हें किन्हीं कारणों से बोर्ड द्वारा गोपनीय या विशेषाधिकार के रूप में निर्दिष्ट किया है, को छोड़कर सभी के निरीक्षण के लिए होंगे बशर्ते कि बोर्ड द्वारा समय-समय पर जारी निदेशों सहित समय, स्थान और निरीक्षण के तरीके का पालन किया जाए और शुल्क का भुगतान किया जाए।

(2) बोर्ड ऐसी निबंधनों और शर्तों, जिन्हें वह उपयुक्त समझे, पर किसी व्यक्ति को बोर्ड के पास उपलब्ध दस्तावेजों और कागजातों की प्रमाणित प्रतियों की आपूर्ति करने की व्यवस्था करें।

(3) बोर्ड आदेश द्वारा बोर्ड या उसमें किसी अधिकारी, परामर्शदाता, प्रतिनिधि या अन्यथा के समक्ष प्रस्तुत कोई सूचना, दस्तावेज और अन्य कागजात तथा सामग्री, जो उनके कब्जे में या अभिरक्षा में हो गोपनीय या विशेषाधिकार होगी और वह निरीक्षण के लिए या प्रतियाँ देने के लिए उपलब्ध नहीं होगी तथा बोर्ड यह भी निदेश दे सकता है कि ऐसे दस्तावेज, कागजात या सामग्री का उपयोग बोर्ड द्वारा विशेष रूप से प्राधिकृत के अलावा अन्य किसी तरीके से नहीं किया जाएगा।

30. कार्यवाहियों के रिकार्डों का निरीक्षण और प्रमाणित प्रतियों की आपूर्ति - (1) प्रत्येक कार्यवाही के रिकार्ड, उन हिस्सों को छोड़कर जो बोर्ड द्वारा किन्हीं कारणों से गोपनीय या विशेषाधिकार के रूप में या किसी व्यक्ति को अन्यथा न दिए जाने के लिए निर्दिष्ट किए गए हों, को बोर्ड द्वारा समय-समय पर दिए गए निदेश सहित समय, स्थान और निरीक्षण का तरीका और शुल्क का भुगतान किए जाने की शर्त का पालन करने वाला व्यक्ति कार्यवाही के दौरान या आदेश पारित होने के बाद निरीक्षण कर सकता है।

(2) कोई भी व्यक्ति बोर्ड के अभिवचनों, कागजातों और अभिलेखों के अन्य भागों के साथ-साथ बोर्ड द्वारा दिए गए आदेशों, निर्णयों, निदेशों और उनके समर्थन में दिए गए कारणों की प्रमाणित प्रतियां उपर्युक्त उप खंड (1) के तहत शुल्क का भुगतान करने और बोर्ड की अन्य शर्तों का अनुपालन करने पर प्राप्त करने का हकदार होगा जिनका निरीक्षण करने का वह पात्र है।

31. अंतरिम आदेश - बोर्ड ऐसे अंतरिम आदेश पारित कर सकता है जिन्हें बोर्ड कार्यवाहियों के किसी चरण पर उपर्युक्त समझता हो।

अध्याय-III

विवादों का निपटान

32. अधिनियम की धारा 24 में उल्लिखित मामलों के संबंध में विवादों का निपटान किसी भी संबंधित व्यक्ति के आवेदन पर बोर्ड द्वारा किया जा सकता है।

33. बोर्ड किसी संबंधित व्यक्ति/व्यक्तियों और ऐसे व्यक्ति/व्यक्तियों, जिन्हें बोर्ड यह कारण बताओ नोटिस देना उपर्युक्त समझता हो, कि बोर्ड द्वारा क्यों न विवाद का निपटान कर दिया जाए।

34. बोर्ड उन पार्टियों जिन्हें नोटिस जारी किए गए हैं, को सुनने के बाद और इस बात से संतुष्ट होने पर कि प्रस्तावित निपटान के खिलाफ कोई कारण नहीं देखा गया है, यह आदेश पारित कर सकता है कि बोर्ड द्वारा विवाद या मामले का निपटान कर दिया जाए।

35. विवादों के निपटान के लिए बोर्ड द्वारा अपनाई जाने वाली प्रक्रिया जहां तक संभव हो उपर्युक्त अध्याय-II में दिए गए अनुसार बोर्ड के समक्ष सुनवाई के मामले में अपनाई जाने वाली प्रक्रिया के समान होगी।

36. बोर्ड के समक्ष विवादों और कार्यवाहियों के निपटान का खर्च उन पार्टियों द्वारा और उतनी राशि से वहन किया जाएगा जैसा बोर्ड द्वारा निदेश दिया जाए।

अध्याय-IV

जांच, पूछताछ, सूचना एकत्र करना, आदि

37. बोर्ड सूचना एकत्र करने, पूछताछ करने, जांच करने, प्रवेश करने, तलाशी लेने, जब्ती करने के लिए उचित समझे जाने वाले और निम्नलिखित प्रावधानों के संबंध में अपनी शक्तियों की व्यापकता पर प्रतिकूल प्रभाव डाले बिना ऐसा/ऐसे आदेश जारी कर सकता है।

38. बोर्ड किसी भी समय सचिव या बोर्ड के एक या अधिक अधिकारियों या परामर्शदाताओं या किसी अन्य व्यक्ति, जिसे बोर्ड अधिनियम के तहत बोर्ड के क्षेत्राधिकार में आने वाले किसी मामले के संबंध में उपयुक्त अध्ययन करने, जांच करने या सूचना देने के लिए उपयुक्त समझता हो, निदेश दे सकता है।

39. बोर्ड उपर्युक्त प्रयोजन के लिए ऐसे अन्य निदेश दे सकता है जिन्हें वह उचित समझता हो और वह समय निर्दिष्ट कर सकता है जिसके अन्दर रिपोर्ट प्रस्तुत की जानी है या सूचना दी जानी है।

40. बोर्ड किसी व्यक्ति को उसके समक्ष उपस्थित होने के लिए निदेश जारी करने हेतु सचिव या बोर्ड के किसी अधिकारी को प्राधिकृत कर सकता है और अपनी ओर से खातों, लेखों आदि की जांच करने और उन्हें रखने के लिए बोर्ड के किसी अधिकारी को प्राधिकृत कर सकता है।

41. बोर्ड कोई सूचना, विवरण या दस्तावेज जिन्हें बोर्ड अधिनियम के तहत अपने कार्यों का निष्पादन करने के संबंध में आवश्यक समझता हो, एकत्र करने के लिए आवश्यक समझे जाने वाले निदेश दे सकता है।

42. यदि प्राप्त की गई ऐसी कोई रिपोर्ट या सूचना अपर्याप्त लगती हो तो बोर्ड या सचिव या इस प्रयोजन के लिए प्राधिकृत बोर्ड का कोई अधिकारी आगे की जांच करने, रिपोर्ट और सूचना देने के लिए निदेश जारी कर सकता है।

43. बोर्ड ध्यान दिए जाने वाले आकस्मिक, परिणामी और अनुपूरक मामलों को उपर्युक्त संबंधित मामले मानने के लिए निदेश जारी कर सकता है।

44. उपर्युक्त कार्यों के निष्पादन के संबंध में बोर्ड यदि उचित समझे तो जांच का नोटिस जारी करने का निदेश दे सकता है और इन विनियमों के अध्याय-III में दिए गए तरीके से मामले पर कार्रवाई कर सकता है।

अध्याय-V

विविध

45. मृत्यु के पश्चात कार्यवाही जारी रखना - (1) किसी कार्यवाही के दौरान यदि कार्यवाही से संबंधित किसी पक्ष की मृत्यु हो जाती है या दिवालिया के रूप में वह न्याय निर्णीत है या कम्पनी के मामले में कम्पनी का समापन किया जा रहा है या बंद किया जा रहा है तो संबंधित पक्ष के हित उत्तराधिकारी, निष्पादक, प्रशासक, प्रापक, समापक या अन्य विधिक प्रतिनिधि के साथ कार्यवाही जारी रहेगी।

(2) बोर्ड रिकार्ड किए जाने वाले कारणों से उस कार्यवाही को समाप्त हुआ मानेगा, यदि बोर्ड ऐसा करने के निदेश दे, और हित उत्तराधिकारी आदि को उस मामले के रिकार्ड पर लाने की आवश्यकता नहीं होगी।

(3) यदि कोई व्यक्ति हित उत्तराधिकारी आदि को रिकार्ड पर लाना चाहता है तो इस प्रयोजन के लिए उसे हित उत्तराधिकारी को रिकार्ड पर लाने के लिए अपेक्षित समय से 90 दिनों के भीतर एक आवेदन देना होगा।

46. जन साधारण को कार्यवाही की जानकारी देना - (1) बोर्ड के समक्ष कार्यवाहियां जनता के लिए खुली होंगी।

बशर्त कि बोर्ड इसे उचित समझे और किसी विशिष्ट मामले की कार्यवाही के किसी चरण पर आमतौर पर जनता या किसी विशिष्ट व्यक्ति या व्यक्तियों के समूह को प्रतिबंधित करने के कारण लिखित रूप में दर्ज करें।

(2) बोर्ड की किसी कार्यवाही में जानबूझकर झूठे साक्ष्य देना या किसी कार्यवाही में इस्तेमाल करने के उद्देश्य से झूठे साक्ष्य बनाना भारतीय दण्ड संहिता, 1860 (1860 का 45) की धारा 193 के अनुसार दण्डनीय होगा।

(3) बोर्ड की किसी कार्यवाही में जानबूझकर बदतमीजी करता या बाधा पहुँचाना भारतीय दण्ड संहिता, 1860 (1860 का 45) की धारा 228 के अनुसार दण्डनीय होगा।

47. याचिका या शिकायत का प्रकाशन - (1) यदि अधिनियम या इन विनियमों या बोर्ड में निदेशानुसार किसी आवेदन, याचिका या शिकायत या अन्य मामले को प्रकाशित करना अपेक्षित है तो जब तक कि बोर्ड अन्यथा आदेश न दे या अधिनियम या विनियमों में अन्यथा उल्लेख न हो तो उसे सुनवाई के लिए निर्धारित तारीख से कम से कम सात दिन पहले प्रकाशित किया जाएगा।

(2) अन्यथा उपबंधित के सिवाय ऐसे प्रकाशन पर संक्षेप में विषय वस्तु का उल्लेख किया जाएगा।

(3) प्रकाशित किए जाने वाले ऐसे प्रकाशन अनुमोदित करने के लिए प्राधिकृत बोर्ड के अधिकारी द्वारा अनुमोदित करवाए जाएंगे।

48. अभिलेखों का निरीक्षण और गोपनीयता - (1) बोर्ड के अभिलेख उन अंशों को छोड़कर जिन्हें किन्हीं कारणों से बोर्ड द्वारा गोपनीय या विशेषाधिकार के रूप में निर्दिष्ट किया है, को छोड़कर सभी के निरीक्षण के लिए होंगे बशर्त कि बोर्ड द्वारा समय-समय पर जारी निदेशों सहित समय, स्थान और निरीक्षण के तरीके का पालन किया जाए और शुल्क का भुगतान किया जाए।

(2) बोर्ड ऐसी निबंधनों और शर्तों, जिन्हें वह उपयुक्त समझे, पर किसी व्यक्ति को बोर्ड के पास उपलब्ध दस्तावेजों और कागजातों की प्रमाणित प्रतियों की आपूर्ति करने की व्यवस्था करें।

(3) बोर्ड आदेश द्वारा बोर्ड या उसमें किसी अधिकारी, परामर्शदाता, प्रतिनिधि या अन्यथा के समक्ष प्रस्तुत कोई सूचना, दस्तावेज और अन्य कागजात तथा सामग्री, जो उनके कब्जे में या अभिरक्षा में हो गोपनीय या विशेषाधिकार होगी और वह निरीक्षण के लिए या प्रतियां देने के लिए उपलब्ध नहीं होगी तथा बोर्ड यह भी निदेश दे सकता है कि ऐसे दस्तावेज, कागजात या सामग्री का उपयोग बोर्ड द्वारा विशेष रूप से प्राधिकृत के अलावा अन्य किसी तरीके से नहीं किया जाएगा।

49. प्रक्रियाओं से संबंधित आदेश और निदेश जारी करना - इस अधिनियम और इन विनियमों के प्रावधानों के अधीन, बोर्ड पालन किए जाने वाले विनियमों और प्रक्रिया के कार्यान्वयन के संबंध में और विभिन्न मामलों, जिनके लिए बोर्ड को इन विनियमों द्वारा अधिकार दिए गए हैं समय-समय पर आदेश और निदेश जारी कर सकता है।

50. बोर्ड की अन्तर्निहित शक्तियों की व्यावृत्ति - इन विनियमों की कोई भी बात सीमित या अन्यथा ऐसे आदेश करने के लिए बोर्ड की अन्तर्निहित शक्तियों को प्रभावित नहीं करेगी जो न्याय के उद्देश्य या बोर्ड की प्रक्रिया के दुरुपयोग को बाधित करती है।

51. इन विनियमों की कोई बात बोर्ड के अधिनियम के प्रावधानों के अनुरूप प्रक्रिया, जो इन विनियमों के किसी प्रावधान से भिन्न हो अपनाने से नहीं रोकेगी यदि बोर्ड किसी मामले या मामलों के वर्ग की विशेष परिस्थितियों को देखते हुए लिखित में कारण दर्ज करना या ऐसे मामले या मामलों के वर्ग पर शीघ्र कार्रवाई करना आवश्यक समझता हो।

52. इन विनियमों की कोई बात अभिव्यक्त रूप से या विवक्षित रूप से बोर्ड को किसी मामले पर कार्रवाई करने या अधिनियम के अधीन किसी अधिकार, जिसके लिए कोई विनियम नहीं बनाया गया है, से वंचित नहीं करेगा और बोर्ड ऐसे मामलों, अधिकारों और कार्यों पर उचित समझी जाने वाली रीति से कार्रवाई करेगा।

53. संशोधन करने की सामान्य शक्ति - बोर्ड किसी भी समय और ऐसी शर्तों पर जिन्हें वह उचित समझता हो अपने समक्ष आई किसी कार्यवाही में किसी कमी या त्रुटि का संशोधित कर सकता है और कार्यवाहियों में उठे प्रश्न और मुद्दे निर्धारित करने के प्रयोजन से सभी आवश्यक संशोधन किए जाएंगे।

54. कठिनाई निवारण की शक्ति - इन विनियमों के किसी प्रावधान को प्रभावी करने से यदि कोई कठिनाई उत्पन्न होती है तो बोर्ड सामान्य या विशेष आदेश द्वारा अधिनियम के प्रावधानों से अंसगत किसी बात को कठिनाई निवारण के प्रयोजन से आवश्यक या तत्काल कार्रवाई कर सकता है।

55. निर्धारित समय-सीमा बढ़ाना या कम करना - अधिनियम के प्रावधानों के अधीन कोई कार्य करने के लिए इन विनियमों द्वारा या बोर्ड के आदेश से निर्धारित समय-सीमा को बोर्ड के

आदेश से पर्याप्त कारण होने पर बढ़ाया (समय सीमा समाप्त हो चुकी हो या नहीं) या कम किया जा सकता है।

56. अनुपालन न किए जाने का प्रभाव - इन विनियमों की किसी अपेक्षा का अनुपालन करने में विफल होने पर केवल उस विफलता के कारण किसी कार्यवाही को तब तक अविधिमान्य नहीं किया जाएगा जब तक कि बोर्ड के विचार से ऐसी विफलता से न्याय की हत्या न होती हो।

57. लागत -(1) ऐसी शर्तों और सीमाओं, जो बोर्ड द्वारा निदेशित हों, के अध्यक्षीन सभी कार्यवाहियों की लागत और आकस्मिकता बोर्ड के विवेकानुसार दी जाएंगी और बोर्ड को यह निर्धारित करने का पूरा अधिकार होगा कि ये लागत किसके द्वारा और किस निधि से और कितनी मात्रा तक वहन की जाएंगी तथा उक्त प्रयोजनों के लिए सभी आवश्यक निदेश दिए जाएंगे।

(2) लागत का भुगतान आदेश की तारीख से तीस दिनों या बोर्ड द्वारा जारी आदेश, निदेश के अनुसार निर्धारित समय के अन्दर किया जाएगा।

58. बोर्ड द्वारा पारित आदेशों का प्रवर्तन - सचिव बोर्ड द्वारा अधिनियम और विनियमों के प्रावधानों के अनुसार संबंधित व्यक्तियों द्वारा पारित आदेशों का प्रवर्तन और अनुपालन सुनिश्चित करेगा और यदि आवश्यक हुआ तो दिशा निर्देश के लिए बोर्ड के आदेश प्राप्त कर सकता है।

[सं. एस-ए डी एम एन/11/8/2007-खण्ड-1]

अजय त्यागी, सचिव

प्रपत्र - ।

याचिका/शिकायत के लिए सामान्य शीर्षक
(देखें विनियम 19)

पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड, नई दिल्ली के समक्ष

फाइलिंग सं० _____

मामला सं० _____

(कार्यालय द्वारा भरा जाए)

_____ के मामले में
(याचिका या शिकायत या आवेदन के उद्देश्य का सार)

_____ और _____ के बीच
(याचिकाकर्ता/शिकायतकर्ता/आवेदक का नाम और पूरा पता तथा प्रतिवादियों का नाम और पूरा पता)

प्रपत्र -II

याचिका/शिकायत का प्रपत्र

(देखें विनियम 19)

सेवा में,

अध्यक्ष,

पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड

(पूरा पता)

1. याचिकाकर्ता/शिकायतकर्ता का नाम,
पता और फैक्स नं० :
2. विरोधी पक्ष के नाम, पते और फैक्स नं० :
3. याचिका/शिकायत किसके बारे में है :
4. याचिका/शिकायत का प्रकार
5. प्रार्थना :
6. याचिका/शिकायत के समर्थन में संलग्न दस्तावेज

भवदीय,

()

स्थान :

दिनांक :

प्रपत्र :- १॥

शपथ : पत्र

(देखें विनियम ११)

पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड, नई दिल्ली

फाइल संख्या

मामला नं०

(कार्यालय द्वारा भरा जाए)

..... के मामले में
(याचिका, शिकायत या आवेदन के उद्देश्य का सार)

..... और के बीच
(याचिकाकर्ता/शिकायतकर्ता/आवेदक का नाम और पूरा पता तथा प्रत्यर्थी/प्रत्यर्थियों/विरोधी पक्ष
(पक्षों) के नाम और पूरे पते)

याचिका/उत्तर/आवेदन/शिकायत के सत्यापन को शपथ-पत्र

मैं पुत्र श्री उम्र वर्ष,
निवासी सत्यनिष्ठा से प्रतिज्ञान करता हूँ और घोषणा करता हूँ
कि :

1. मैं याचिकाकर्ता/शिकायतकर्ता/आवेदक/प्रत्यर्थी आदि हूँ या मैं उपर्युक्त मामले में
याचिकाकर्ता/शिकायतकर्ता/आवेदक/प्रत्यर्थी के के
निदेशक/सचिव/भागीदार हूँ और यह शपथ पत्र देने के लिए उक्त याचिकाकर्ता/
शिकायतकर्ता/आवेदक/प्रत्यर्थी द्वारा प्राधिकृत हूँ।

2. याचिका/आवेदन/उत्तर/शिकायत के पैराग्राफ से तक में दिया गया विवरण सूचना पर आधारित है जो मेरे संज्ञान में सत्य है।

में (स्थान) में आज दिनांक माह वर्ष में सत्यनिष्ठा से प्रतिज्ञा करता हूँ कि उपर्युक्त शपथ पत्र में दिया गया विवरण मेरी जानकारी के अनुसार सत्य है, इसका कोई भी अंश असत्य नहीं है और कुछ भी छुपाया नहीं गया है।

अभिसाक्षी

मेरे समक्ष द्वारा शिनाख्त की गई।

PETROLEUM AND NATURAL GAS REGULATORY BOARD

NOTIFICATION

New Delhi, the 30th November, 2007

G.S.R. 744(E).—In exercise of the powers conferred by clauses (i), (u), (v) and (w) of sub-section (2) of section 61 of the Petroleum and Natural Gas Regulatory Board Act, 2006 (19 of 2006), the Petroleum and Natural Gas Regulatory Board hereby makes the following regulations, namely:-

Chapter I

General

1. **Short title, commencement and interpretation.** - (1) These regulations may be called the Petroleum and Natural Gas Regulatory Board (Conduct of Business, Receiving and Investigation of Complaints) Regulations, 2007.

(2). They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.** - (1) In these regulations, unless the context otherwise requires:

a) "Act" means the Petroleum and Natural Gas Regulatory Board Act, 2006;

b) "Board" means the Petroleum and Natural Gas Regulatory Board established under sub-section (1) of Section 3 of the Act;

c) "Chairperson" means the Chairperson of the Board appointed under Section 4 of the Act;

d) "Complaint" shall mean a "complaint" referred in Section 25 of the Act;

- e) "Member" means a Member of the Board appointed under Section 4 of the Act;
 - f) "Officer" means an officer of the Board;
 - g) "Petition" means and includes all petitions or complaints, applications, representations, replies, rejoinders, supplemental pleadings, other papers and documents;
 - h) "Proceedings" means and include proceedings of all nature that the Board may hold in the discharge of its functions under the Act.
- (2) Words or expressions occurring in these regulations and not defined herein but defined in the Act shall bear the same meaning as in the Act.
- (3) Unless defined herein or in the Act, the provisions of the General Clauses Act, 1897 as amended from time to time shall apply to these regulations.
3. **Working hours of head office and regional offices of the Board.** - Unless otherwise directed, the head office and regional offices of the Board shall be open daily except on Saturdays, Sundays and Central Government holidays notified by the Central Government. The office timings shall be from 9.00 AM to 5.30 PM.
4. Where the last day for doing of any act falls on a day on which the office of the Board is closed and by reason thereof the act cannot be done on that day, it may be done on the next day on which the office is open.
5. The Board may hold sittings for hearing matters at the headquarters or at any other place on days and time to be specified by it.
6. **Language of the Board.** - Unless otherwise decided by the Board, the proceedings of the Board shall be conducted in English or Hindi.

7. No petition, complaint, documents or other material contained in any language other than English or Hindi may be accepted by the Board, unless the same is accompanied by a translation thereof in English or Hindi:

Provided that it shall be the duty of the party submitting such petition, complaint, documents or other material to accompany the correct translation thereof in English or Hindi:

Provided further that the Board may in appropriate cases get such translation to English or Hindi, as the case may be, verified by any person or body as it may deem fit, and such translation will have the same meaning as verified by such person or body.

8. **Seal of the Board.** - The Board shall have its own seal.

9. **Affixation of seal of the Board.** - The seal of the Board shall not be affixed to any instrument except in pursuance of a resolution of the Board.

10. **Manner and form in which contracts to be executed.** - (1) Any contract that may be entered into by the Board or on behalf of the Board shall be executed by the Secretary or any other officer duly authorized by the Chairperson in this regard and may in the same manner be varied or discharged.

(2) Any document connected with any contract may be signed and verified on behalf of the Board by the Secretary or any other officer duly authorized by the Chairperson in this regard.

(3) All contracts made according to the provisions of this regulation shall be valid and binding on the Board.

11. **Accounts and documents by whom to be signed.** - (1) The Secretary or any officer as may be nominated by the Chairperson are hereby severally authorised for and on behalf of the Board to endorse and transfer negotiable instruments, stock-receipts, stock, debentures, shares, securities and documents of title to movable and immovable properties standing in the name of or held by the Board, and to draw, accept and endorse bills of exchange and other instruments in

the current and authorised business of the Board and to sign all other accounts, receipts and documents connected with such business.

(2) Plaints, written statements, complaints, affidavits, petitions and any other documents connected with legal proceedings may be signed and verified on behalf of the Board by the Secretary or any officer authorised by the Chairperson to sign such documents for and on behalf of the Board.

12. Participation in proceedings before the Board. - (1) It shall be open to the Board to permit any association or other bodies corporate or any group of consumers to participate in any proceedings before the Board.

(2) It shall be open to the Board for the sake of timely completion of proceedings, to direct bunching up associations/groups referred to above so that they can make collective affidavits.

(3) The Board may as and when considered appropriate notify a procedure for recognition of associations, groups, forums or bodies corporate as registered consumers' associations for purposes of representing before the Board.

13. Representation of consumers' interest. - (1) The Chairperson may appoint any officer of the Board or any other person to represent consumers' interest if considered necessary.

(2) The Board may direct payment to the officer or person appointed to represent consumers' interests such fees, costs and expenses by such of the parties in the proceedings as the Board may consider appropriate.

CHAPTER II

GENERAL RULES CONCERNING THE PROCEEDINGS BEFORE THE BOARD

14. **Proceedings, etc. before the Board.** - The Board may from time to time hold hearings, meetings, discussions, deliberations, inquiries, investigations and consultations as it may consider appropriate in the discharge of its functions under the Act:

Provided that the meetings of the Board shall be convened in accordance with the Petroleum and Natural Gas Regulatory Board (Meetings of the Board) Regulations, 2007, amended from time to time.

15. **Bench to settle disputes.** - A Bench consisting of the Member (Legal) and one or more Members nominated by the Chairperson shall decide the disputes under section 24 of the Act, in accordance to the provisions of the Act.

16. **Authority to represent.** - A person may authorise an advocate or a Member of any statutory professional body holding a Certificate of Practice as the Board may from time to time specify to represent him and act and plead on his behalf before the Board. The person may also appear himself or may authorise any of his employees to appear before the Board and to act and plead on his behalf. The Board may from time to time specify the terms and conditions subject to which a person may authorise any other person to represent him and act and plead on his behalf.

17. **Initiation of Proceedings.** - (1) The Board may initiate any proceedings suo motu or on a petition or complaint filed by any affected or interested person under the provisions of the Act.

(2) The notice of the initiation of the proceedings may be issued by the Board and the Board may give such orders and directions as may be deemed necessary, for service of notices to the affected parties, the filing of reply and rejoinder in opposition or in support of the petition or complaint in such form as it may direct. The Board may, if it considers appropriate, issue orders for publication of the petition or complaint inviting comments on the issues involved in the proceedings in such form as the Board may direct.

(3) While issuing the notice of inquiry the Board may, in appropriate cases, authorize an officer of the Board or any other person whom the Board considers appropriate to present the matter in the capacity of the petitioner/complainant in the case.

18. **Petitions or complaints and pleadings before the Board.** - All petitions or complaints to be filed before the Board shall be typewritten, cyclostyled or printed neatly and legibly on one side of white paper and every page shall be consecutively numbered. The contents of the petition or complaint should be divided appropriately into separate paragraphs, which shall be numbered serially. The petition or complaint shall be accompanied by such documents supporting data and statements as the Board may specify.

19. **General headings and form of complaint.** - The general heading in all petitions or complaints before the Board and in all publications and notices shall be in Form I. Every petition or complaint shall be as per Form II or as near thereto as may be possible.

20. **Affidavit in Support.** - (1) The petitions or complaints shall be verified by an affidavit and every such affidavit shall be in Form III.

(2) Every affidavit shall be drawn up in the first person and shall state the full name, age, occupation and address of the deponent and the capacity in which he is signing and shall be signed and sworn before a person lawfully authorised to take and receive affidavits.

(3) Every affidavit shall clearly and separately indicate the statements, which are true to the -
a) knowledge of the deponent;
a) information received by the deponent; and
b) belief of the deponent.

(4) Where any statement in the affidavit is stated to be true to the information received by the deponent, the affidavit shall also disclose the source of the information and a statement that the deponent believes that information to be true.

21. Whoever intentionally gives false evidence in any of the proceedings of the Board or fabricates false evidence for the purpose of being used in any of the proceedings shall be punishable in accordance with Section 193 of the Indian Penal Code, 1860 (45 of 1860).

provisions of the Act and in other case, it may pass such orders and issue such direction as it deems fit.

(11) If the Board admits the petition or complaint, it may give such orders and directions, as may be deemed necessary, for service of notices to the respondent(s) and other affected or interested parties, for the filing of replies and rejoinder in opposition or in support of the petition or complaint in such form as the Board may direct and for the petition or complaint to be placed for hearing before the Board or a Bench, as the case may be.

23. Service of notices and processes issued by the Board. - (1) Any notice, process or summons to be issued by the Board may be served by any one or more of the following modes as may be directed by the Board:

- a) through any of the parties to the proceedings as may be directed by the Board;
- b) by hand delivery through a messenger;
- c) by registered post with acknowledgement due;
- d) by publication in newspapers in cases where the Board is satisfied that it is not reasonably practicable to serve the notices, processes, etc., on any person in the manner mentioned above;
- e) in any other manner as considered appropriate by the Board.

(2) The Board shall be entitled to decide in each case the persons who shall bear the cost of such service or publication.

(3) Every notice or process required to be served on or delivered to any person may be sent to the person or his agent empowered to accept service at the address furnished by him for service or at the place where the person or his agent ordinarily resides or carries on business or personally works for gain.

(4) In the event any matter is pending before the Board and the person to be served has authorised an agent or representative to appear for or represent him or her in the matter, such agent or representative shall be deemed to be duly empowered to take service of the notices and

processes on behalf of the party concerned in all matters and the service on such agent or representative shall be taken as due service on the person to be served.

(5) Where a notice is served by a party to the proceedings either in person or through registered post, an affidavit of service shall be filed by such party with the Board giving details of the date and manner of service of notices and processes.

(6) Where any petition or complaint is required to be published it shall be published in such form in the newspapers to be specified, for such duration and within such time as the Board may direct.

(7) In default of compliance with the requirements of the regulations or directions of the Board as regards the service of notices, summons or processes or the publication thereof, the Board may either dismiss the petition or complaint or give such other or further directions as it thinks fit.

(8) No service or publication required to be done shall be deemed invalid by reason of any defect in the name or description of a person provided that the Board is satisfied that such service is in other respects sufficient, and no proceedings shall be invalidated by reason of any defect or irregularity unless the Board on an objection taken, is of the opinion that substantial injustice has been caused by such defect or irregularity or there are otherwise sufficient reasons for doing so.

24. Filing of reply, opposition, objections, etc. - (1) Each person to whom the notice of inquiry or the petition or complaint is issued (hereinafter called the 'respondent') who intends to oppose or support the petition or complaint shall file the reply and the documents relied upon within such period with ten copies. In the reply filed, the respondent shall specifically admit, deny or explain the facts stated in the notice of inquiry or the petition or the complaint and may also state such additional facts as he considers necessary for just decision of the case. The reply shall be signed and verified and supported by affidavit in the same manner as in the case of the petition or complaint.

(2) The respondent shall serve a copy of the reply along with the documents duly attested to be true copies on the petitioner or complainant or his authorised representative and file proof of such service with the office of the Board.

(3) Where the respondent states additional facts as may be necessary for the just decision of the case, the Board may allow the petitioner/complainant to file a rejoinder to the reply filed by the respondents. The procedure mentioned above for filing of the reply shall apply mutatis mutandis to the filing of the rejoinder.

(4) Every person who intends to file objection or comments in regard to a matter pending before the Board, pursuant to the publication made for the purpose (other than the persons to whom notices, processes, etc. have been issued calling for reply) shall deliver to an officer designated by the Board for the purpose the statement of the objection or comments with copies of the documents and evidence in support thereof within the time fixed for the purpose.

(5) The Board may permit such person or persons including associations, forums and bodies corporate as it may consider appropriate to participate in the proceedings before the Board if, on the report received from the officer, the Board considers that the participation of such person or persons will facilitate the proceedings and the decision in the matter.

(6) Unless permitted by the Board, the person filing objection or comments shall not necessarily be entitled to participate in the proceedings to make oral submissions. However, the Board shall be entitled to take into account the objections and comments filed after giving such opportunity to the parties to the proceedings as the Board considers appropriate to deal with the objections or comments.

25. Hearing of the matter. - (1) The Board may determine the stages, manner, the place, the date and the time of the hearing of the matter, as it considers appropriate.

(2) The Board may decide the matter on the pleadings of the parties or may call for the parties to produce evidence by way of affidavit or lead oral evidence in the matter.

(3) If the Board directs evidence of a party to be led by way of oral submission, the Board may, if considered necessary or expedient, grant an opportunity to the other party to cross-examine the persons giving evidence.

(4) The Board may, if considered necessary or expedient, direct that the evidence of any of the parties be recorded by an officer or person authorised for the purpose by the Chairperson.

(5) The Board may direct the parties to file written note of arguments or submissions in the matter.

26. Powers of the Board to call for further information, evidence, etc. - (1) The Board may, at any time before passing orders on any matter, require the parties or any one or more of them or any other person whom the Board considers appropriate to produce such documentary or other evidence as the Board may consider necessary for the purpose of enabling it to pass orders.

(2) The Board may direct summoning of the witnesses, discovery and production of any document or other material objects produce-able in evidence, requisition of any public record from any office, examination by an officer of the Board the books, accounts or other documents or information in the custody or control of any person which the Board considers relevant to the matter.

(3) Whoever intentionally gives false evidence in any of the proceedings of the Board or fabricates false evidence for the purpose of being used in any of the proceedings shall be punishable in accordance with Section 193 of the Indian Penal Code, 1860 (45 of 1860).

(4) Whoever intentionally offers any insult or causes any interruption in any of the proceedings of the Board, shall be punishable in accordance with Section 228 of the Indian Penal Code, 1860 (45 of 1860).

27. Reference of issues to others. - (1) At any stage of the proceedings, the Board shall be entitled to refer such issue or issues in the matter as it considers appropriate to persons including,

but not limited to, the officers and consultants of the Board whom the Board considers as qualified to give expert advice or opinion.

(2) The Chairperson may nominate from time to time any person including, but not limited to the officers and consultants to visit any place or places for inspection and report on the existence or status of the place or any facilities therein.

(3) The Board if it thinks fit, may direct the parties to appear before the persons designated in sub-clause (1) or (2) above to present their respective views on the issues or matters referred to.

(4) The report or the opinion received from such person shall form a part of the record of the case and the parties shall be given the copies of the report or opinion given by the person designated by the Board. The parties shall be entitled to file their version either in support or in opposition to the report or the opinion.

(5) The Board shall duly take into account the report or opinion given by the person, the reply filed by the parties while deciding the matter and if considered necessary the examination before the Board of the person giving the report or the opinion.

28. **Procedure to be followed where the party does not appear.** - (1) Where, on the date fixed for hearing or any other date to which such hearing may be adjourned, any of the parties or his authorised agent or representative does not appear when the matter is called for hearing, the Board may, in its discretion, either dismiss the petition or complaint for default when the petitioner/complainant or the person who moves the Board for hearing is in default or proceed ex parte.

(2) Where a petition or complaint is dismissed in default or decided ex parte, the person aggrieved may file an application within thirty days from the date of such dismissal or being proceeded ex parte, as the case may be, for recall of the order passed, and the Board may recall the order on such terms as it thinks fit, if the Board is satisfied that there was sufficient cause for the non-appearance when the petition or complaint was called for hearing.

29. **Orders of the Board.** - (1) All orders and decisions issued or communicated by the Board shall be certified by the signature of the Secretary or any other officer of the Board empowered in this behalf by the Chairperson and bear the official seal of the Board.

(2) All final orders of the Board shall be communicated to the parties to the proceedings under the signature of the Secretary or any officer of the Board empowered in this behalf by the Chairperson.

30. **Inspection of records of proceedings and supply of certified copies.** - (1) Records of every proceeding, except those parts which for reasons specified by the Board are confidential or privileged or otherwise not to be disclosed to any person, shall be open to inspection either during the proceeding or after the orders have been passed, subject to such person complying with such terms as the Board may direct from time to time including in regard to time, place and manner of inspection and payment of fee.

(2) Any person shall be entitled to obtain certified copies of the orders, decisions, directions and reasons in support thereof given by the Board as well as the pleadings, papers and other parts of the records of the Board to which he is entitled to inspect on payment of fee under sub-clause (1) above and complying with other terms which the Board may direct.

31. **Interim orders.** - The Board may pass such interim orders as the Board may consider appropriate at any stage of the proceedings.

CHAPTER III SETTLEMENT OF DISPUTES

32. The settlement of disputes in regard to matters mentioned in Section 24 of the Act may be commenced by the Board on the application of any of the persons concerned.

33. The Board shall issue notice to the concerned person(s) and to such other person(s) as the Board considers appropriate to show cause as to why the dispute should not be settled by the Board.

34. The Board may, after hearing the parties to whom notices have been issued and if satisfied that no reason or cause has been shown against the proposed settlement, pass an order directing that the disputes or the matter be settled by the Board.

35. The procedure for settlement of disputes to be followed by the Board shall be as far as possible the same as in the case of hearing before the Board as provided for in Chapter II above.

36. The cost of the settlement of disputes and proceedings before the Board shall be borne by such parties and in such sums as the Board may direct.

CHAPTER IV

INVESTIGATION, INQUIRY, COLLECTION OF INFORMATION, ETC.

37. The Board may make such order or orders as it thinks fit for collection of information, inquiry, investigation, entry, search, seizure, and without prejudice to the generality of its powers in regard to the following provisions.

38. The Board may at any time, direct the Secretary or any one or more officers of the Board or consultants or any other person as the Board considers appropriate to study, investigate or furnish information with respect to any matter within the purview of the Board under the Act.

39. The Board may for the above purpose give such other directions as it may deem fit and specify the time within which the report is to be submitted or information furnished.

40. The Board may issue or authorise the Secretary or any officer of the Board to issue directions to any person to produce before it and allow to be examined and kept by an officer of the Board authorised in this behalf the books, accounts, etc. or to furnish information to such officer.

41. The Board may, for the purpose of collecting any information, particulars or documents which the Board considers necessary in connection with the discharge of its functions under the Act, issue such directions as may be considered necessary.

42. If any such report or information obtained appears to the Board to be insufficient or inadequate, the Board or Secretary or any officer of the Board authorised for the purpose may give directions for further inquiry, report and furnishing of information.

43. The Board may direct such incidental, consequential and supplemental matters be attended to, which may be considered relevant in connection with the above.

44. In connection with the discharge of the above functions, the Board may, if it thinks fit, direct a notice of inquiry to be issued and proceed with the matter in a manner provided under Chapter II of these regulations.

CHAPTER V

MISCELLANEOUS

45. **Continuance of proceeding after death, etc.** - (1) Where in any proceeding any of the parties to the proceedings dies or is adjudicated as an insolvent or in the case of a company under liquidation or winding-up, the proceedings shall continue with the successors-in-interest, the executor, administrator, receiver, liquidator or other legal representative of the party concerned.

(2) The Board may, for reasons to be recorded, treat the proceedings as abated in case the Board so directs and dispense with the need to bring the successors-in-interest, etc. on the record of the case.

(3) In case any person wishes to bring on record the successors-in-interest, etc., the application for the purpose shall be filed within ninety days from the event requiring the successors-in-interest to come on record.

46. **Proceedings to be open to public.** - (1) The proceedings before the Board shall be open to the public:

Provided that the Board may, if it thinks fit, and for reason to be recorded in writing, order at any stage of the proceedings of any particular case that the public generally or any particular person or group of persons shall have restricted access.

(2) Whoever intentionally gives false evidence in any of the proceedings of the Board or fabricates false evidence for the purpose of being used in any of the proceedings shall be punishable in accordance with Section 193 of the Indian Penal Code, 1860 (45 of 1860).

(3) Whoever intentionally offers any insult or causes any interruption in any of the proceedings of the Board shall be punishable in accordance with Section 228 of the Indian Penal Code, 1860 (45 of 1860).

47. **Publication of petition or complaint.** - (1) Where any application, petition or complaint, or other matter is required to be published under the Act or these regulations or as per the directions of the Board, it shall, unless the Board otherwise orders or the Act or regulations otherwise provide, be published not less than seven days before the date fixed for hearing.

(2) Except as otherwise provided, such publication shall give a heading describing the subject matter in brief.

(3) Such publication to be published shall be approved by the officer of the Board authorised for the purpose.

48. **Inspection of records and confidentiality.** - (1) Records of the Board except those parts which for reasons specified by the Board are confidential or privileged, shall be open to inspection by all, subject to complying with the terms as the Board may direct from time to time including in regard to time, place and manner of inspection and payment of fee.

(2) The Board may, on such terms and conditions as it considers appropriate, provide for the supply of the certified copies of the documents and papers available with the Board to any person.

(3) The Board may, by order, direct that any information, documents and other papers and materials produced before the Board or any of its officers, consultants, representatives or

otherwise which may be, or come into, their possession or custody, shall be confidential or privileged and shall not be available for inspection or supply of copies, and the Board may also direct that such documents, papers or materials shall not be used in any manner except as specifically authorised by the Board.

49. **Issue of orders and directions on procedures.** - Subject to the provisions of the Act and these regulations, the Board may, from time to time, issue orders and directions in regard to the implementation of the regulations and procedure to be followed and various matters which the Board has been empowered by these regulations to specify or direct.

50. **Saving of inherent power of the Board.** - Nothing in these regulations shall be deemed to limit or otherwise affect the inherent power of the Board to make such orders as may be necessary for ends of justice or to prevent the abuse of the process of the Board.

51. Nothing in these regulations shall bar the Board from adopting in conformity the provisions of the Act, a procedure, which is at variance with any of the provisions of these regulations, if the Board in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient for dealing with such matter or class of matters.

52. Nothing in these regulations shall, expressly or impliedly, bar the Board to deal with any matter or exercise any power under the Act for which no regulations have been framed, and the Board may deal with such matters, powers and functions in a manner it thinks fit.

53. **General power to amend.** - The Board may, at any time and on such terms as to costs or otherwise, as it may think fit, amend any defect or error in any proceeding before it, and all necessary amendments shall be made for the purpose of determining the real question or issue arising in the proceedings.

54. **Power to remove difficulties.** - If any difficulty arises in giving effect to any of the provisions of these regulations, the Board may, by general or special order, do anything not

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being inconsistent with the provisions of the Act, which appears to it to be necessary or expedient for the purpose of removing difficulties.

55. **Extension or abridgment of time prescribed.** - Subject to the provisions of the Act, the time prescribed by these regulations or by order of the Board for doing any act may be extended (whether it has already expired or not) or abridged for sufficient reason by order of the Board.

56. **Effect of non-compliance.** - Failure to comply with any requirement of these regulations shall not invalidate any proceeding merely by reason of such failure unless the Board is of the view that such failure has resulted in miscarriage of justice.

57. **Costs** - (1) Subject to such conditions and limitation as may be directed by the Board, the cost of, and incidental to, all proceedings shall be awarded at the discretion of the Board and the Board shall have full power to determine by whom or out of what funds and to what extent such costs are to be paid and give all necessary directions for the aforesaid purposes.

(2) The costs shall be paid within thirty days from the date of the order or within such time as the Board may, by order, direct.

58. **Enforcement of orders passed by the Board.** - The Secretary shall ensure enforcement and compliance with the orders passed by the Board, by the persons concerned in accordance with the provisions of the Act and regulations and if necessary, may seek the orders of the Board for directions.

[No. S-Admn./II/8/2007-Vol.-I]

AJAY TYAGI, Secy.

FORM I

GENERAL HEADING FOR PETITION/COMPLAINT

(see Regulation 19)

**BEFORE THE PETROLEUM AND NATURAL GAS REGULATORY BOARD, NEW
DELHI**

Filing No. _____

Case No. _____

(To be filed by the Office)

In the matter of:

(Gist of the purpose of the petition or complaint or application)

Between:

(Names and full addresses of the petitioner/complainant/applicants and names and full addresses of the respondents).

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FORM II**FORMAT OF PETITION/COMPLAINT***(see Regulation 19)***To**

The Chairperson,
The Petroleum and Natural Gas Regulatory Board
(Full Address)

1. Petitioner's/Complainant's Name,
Address and Fax No:
2. Names, Addresses & Fax No. of the Opposite Parties:
3. What the petition/complaint is about:
4. Nature of petition/complaint:
5. Prayer:
6. Documents enclosed in support of the petition/complaint:

Yours faithfully,

Place:

Date:

()

FORM III

AFFIDAVIT
(see Regulation 20)

BEFORE THE PETROLEUM AND NATURAL GAS REGULATORY BOARD, NEW DELHI

Filing No. _____
Case No. _____
(To be filed by the Office)In the matter of:
(Gist of the purpose of the petition or complaint or application)

Between:

(Names and full addresses of the petitioner/complainant/applicant and names and full addresses of the respondent (s)/opposite party (ies).

Affidavit verifying the petitions/reply/application/complaint

I, _____, son of _____, aged _____ years, residing at _____, do solemnly affirm and say as follows:

1. I am the Petitioner/Complainant/Applicant/Respondent etc. or I am a Director/Secretary/partner of _____ of _____ the Petitioner/Complainant/Applicant/Respondent in the above matter and am duly authorised by the said Petitioner/Complainant/Applicant/Respondent to make this affidavit.

2. The statements made in paragraphs _____ to _____ of the Petition/Application/Reply/Complaint herein are true to my knowledge and the statements made in paragraphs _____ to _____ are based on information and I believe them to be true.

Solemnly affirmed at _____ on this _____ day of _____ that the contents of the above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed there from.

DEPONENT

Identified before me by _____

Kerala Gazette No.10 dated 6th March, 2007.

PART I

Section i



GOVERNMENT OF KERALA

Law (Leg. Publication) Department

NOTIFICATION

No.18862/Leg. Pbn. 2/06/Law. *Dated, Thiruvananthapuram: 29th September 2006.*

The following Act of Parliament, published in the Gazette of India, Extraordinary, Part II, Section I, dated the 3rd April, 2006 is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President on 31st March, 2006.

By order of the Governor,

R. S. GOPINATHAN,
Law Secretary.

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THE PETROLEUM AND NATURAL GAS REGULATORY BOARD ACT, 2006

(ACT No. 19 of 2006)

AN

ACT

provide for the establishment of Petroleum and Natural Gas Regulatory Board to regulate the refining, processing, storage, transportation, distribution, marketing and sale of petroleum, petroleum products and natural gas excluding production of crude oil and natural gas so as to protect the interests of consumers and entities engaged in specified activities relating to petroleum, petroleum products and natural gas and to ensure uninterrupted and adequate supply of petroleum, petroleum products and natural gas in all parts of the country and to promote competitive markets and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent, commencement and application.*—(1) This Act may be called the Petroleum and Natural Gas Regulatory Board Act, 2006.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

(4) It applies to refining, processing, storage, transportation, distribution, marketing and sale of petroleum, petroleum products and natural gas excluding production of crude oil and natural gas.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “affiliate code of conduct” means the code of conduct governing entities engaged in storage, transmission, distribution, marketing and sale of natural gas under sub-section (1) of section 21;

(b) “Appellate Tribunal” means the Appellate Tribunal referred to in section 30;

(c) “appointed day” means the date on which the Board is established under sub-section (1) of section 3;

(d) “authorised entity” means an entity—

(A) registered by the Board under section 15—

(i) to market any notified petroleum, petroleum products or natural gas, or

(ii) to establish and operate liquefied natural gas terminals, or

(B) authorised by the Board under section 16—

(i) to lay, build, operate or expand a common carrier or contract carrier, or

(ii) to lay, build, operate or expand a city or local natural gas distribution network;

(e) “auto liquefied petroleum gas” means a mixture of certain light hydrocarbons derived from petroleum, which are gaseous at normal ambient temperature and atmospheric pressure but may be condensed to the liquid state at normal ambient temperature by the application of moderate pressure, and which conform to such specifications for use as fuel in vehicles, as the Central Government may, in consultation with the Bureau of Indian Standards, notify from time to time;

(f) “Board” means the Petroleum and Natural Gas Regulatory Board established under sub-section (1) of section 3;

(g) “Bureau of Indian Standards” means the Bureau of Indian Standards established under section 3 of the Bureau of Indian Standards Act, 1986 (63 of 1986);

(h) “Chairperson” means the Chairperson of the Board appointed under sub-section (1) of section 4;

(i) "city or local natural gas distribution network" means an inter-connected network of gas pipelines and the associated equipment used for transporting natural gas from a bulk supply high pressure transmission main to the medium pressure distribution grid and subsequently to the service pipes supplying natural gas to domestic, industrial or commercial premises and CNG stations situated in a specified geographical area.

Explanation.—For the purposes of this clause, the expressions "high pressure" and "medium pressure" shall mean such pressure as the Central Government may, by notification, specify to be high pressure or, as the case may be, medium pressure;

(j) "common carrier" means such pipelines for transportation of petroleum, petroleum products and natural gas by more than one entity as the Board may declare or authorise from time to time on a non-discriminatory open access basis under sub-section (3) of section 20, but does not include pipelines laid to supply—

- (i) petroleum products or natural gas to a specific consumer; or
- (ii) crude oil ;

Explanation.— For the purposes of this clause, a contract carrier shall be treated as a common carrier, if—

- (i) such contract carrier has surplus capacity over and above the firm contracts entered into; or
- (ii) the firm contract period has expired.

(k) "CNG station" means filling station where one or more dispensing units are provided for sale of compressed natural gas;

(l) "compressed natural gas or CNG" means natural gas used as fuel for vehicles, typically compressed to the pressure ranging from 200 to 250 bars in the gaseous state;

(m) "contract carrier" means such pipelines for transportation of petroleum, petroleum products and natural gas by more than one entity pursuant to firm contracts for at least one year as may be declared or authorised by the Board from time to time under sub-section (3) of section 20;

(n) "dealer" means a person, association of persons, firm, company or co-operative society, by whatsoever name called or referred to, and appointed by an oil company to purchase, receive, store and sell motor spirit, high speed diesel, superior kerosene oil, auto liquefied petroleum gas or natural gas;

(o) "distributor" means a person, association of persons, firm, company or co-operative society, by whatsoever name called or referred to, and appointed by an oil company to purchase, receive, store and sell to consumers liquefied petroleum gas in cylinders;

(p) "entity" means a person, association of persons, firm, company or co-operative society, by whatsoever name called or referred to, other than a dealer or distributor, and engaged or intending to be engaged in refining, processing, storage, transportation, distribution, marketing, import and export of petroleum, petroleum products and natural gas including laying of pipelines for transportation of petroleum, petroleum products and natural gas, or laying, building, operating or expanding city or local natural gas distribution network or establishing and operating a liquefied natural gas terminal;

(q) "exchange of products" shall mean giving and receiving of a petroleum product in accordance with an agreement entered into by the concerned entities;

(r) "high speed diesel" means any hydrocarbon oil (excluding mineral colza oil and turpentine substitute), which conforms to such specifications for use as fuel in compression ignition engines, as the Central Government may, in consultation with the Bureau of Indian Standards, notify from time to time;

(s) "kerosene or superior kerosene oil" means a middle distillate mixture of hydrocarbons which conforms to such specifications, as the Central Government may, in consultation with the Bureau of Indian Standards, notify from time to time;

(t) "liquefied natural gas terminal" means the facilities and infrastructure required to—

- (i) receive liquefied natural gas;
- (ii) store liquefied natural gas;
- (iii) enable regasification of liquefied natural gas; and
- (iv) transport regasified liquefied natural gas till the outside boundaries of the facility;

(u) "liquefied petroleum gas" means a mixture of light hydrocarbons containing propane, isobutane, normal butane, butylenes, or such other substance which is gaseous at normal ambient temperature and atmospheric pressure but may be condensed to liquid state at normal ambient temperature by the

application of pressure and conforms to such specifications, as the Central Government may, in consultation with the Bureau of Indian Standards, notify from time to time;

(v) "local distribution entity" means an entity authorised by the Board under section 20 to lay, build, operate or expand a city or local natural gas distribution network;

(w) "marketing service obligations" means obligations—

- (i) to set up marketing infrastructure and retail outlets in remote areas in respect of notified petroleum and petroleum products;
- (ii) to maintain minimum stock of notified petroleum and petroleum products;
- (iii) of a local distribution entity to supply natural gas to consumers; and
- (iv) such other obligations as may be specified by regulations;

(x) "maximum retail price" means the maximum price fixed by an entity at which the petroleum, petroleum products and natural gas may be sold to the retail consumers and includes all taxes, cess and levies, local or otherwise and freight or commission payable to the dealers;

(y) "member" means a member of the Board appointed under sub-section (1) of section 4 and includes the Member (Legal) and the Chairperson;

(z) "motor spirit" means any hydrocarbon oil (excluding crude mineral oil) used as fuel in spark ignition engines which conforms to such specifications, as the Central Government may, in consultation with the Bureau of Indian Standards, notify from time to time;

(za) "natural gas" means gas obtained from bore-holes and consisting primarily of hydrocarbons and includes—

- (i) gas in liquid state, namely, liquefied natural gas and regasified liquefied natural gas,
- (ii) compressed natural gas,
- (iii) gas imported through transnational pipe lines, including CNG or liquefied natural gas,
- (iv) gas recovered from gas hydrates as natural gas,

(v) methane obtained from coal seams, namely, coal bed methane, but does not include helium occurring in association with such hydrocarbons;

(zb) "notification" means a notification published in the Official Gazette and the expression "notified" with its cognate meanings and grammatical variations, shall be construed accordingly;

(zc) "notified petroleum, petroleum products and natural gas" means such petroleum, petroleum products and natural gas as the Central Government may notify from time to time, after being satisfied that it is necessary or expedient so to do for maintaining or increasing their supplies or for securing their equitable distribution or ensuring adequate availability;

(zd) "oil company" means a company registered under the Companies Act, 1956 (1 of 1956) and includes an association of persons, society or firm, by whatsoever name called or referred to, for carrying out an activity relating to petroleum, petroleum products and natural gas;

(ze) "petroleum" means any liquid hydrocarbon or mixture of hydrocarbons, and any inflammable mixture (liquid, viscous or solid) containing any liquid hydrocarbon, including crude oil and liquefied petroleum gas, and the expression 'petroleum product' shall mean any product manufactured from petroleum;

(zf) "pipeline access code" means the code to establish a framework for third party access to pipelines under sub-clause (i) of clause (e) of section 11;

(zg) "prescribed" means prescribed by rules made by the Central Government under this Act;

(zh) "regulations" means regulations made by the Board under this Act;

(zi) "restrictive trade practice" means a trade practice which has, or may have, the effect of preventing, distorting or restricting competition in any manner and in particular,—

(i) which tends to obstruct the flow of capital or resources into the stream of production, or

(ii) which tends to bring about manipulation of prices, or conditions of delivery or to affect the flow of supplies in the market

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relating to petroleum, petroleum products or natural gas or services in such manner as to impose on the consumers unjustified costs or restrictions;

(zj) "retail outlet" means filling station where one or more dispensing pumps have been provided for sale of motor spirit, high speed diesel, auto-liquefied petroleum gas or natural gas and includes distributorship for liquefied petroleum gas or dealership for superior kerosene oil or CNG stations;

(zk) "retail service obligations" means obligations of dealers and distributors for maintaining supplies to consumers throughout the specified working hours and of specified quality, quantity and display of maximum retail price of notified petroleum, petroleum products and natural gas including CNG and such other obligations, as may be specified by regulations;

(zl) "rules" means rules made by the Central Government under this Act;

(zm) "Secretary" means the Secretary of the Board;

(zn) "transportation rate", in relation to common carrier or contract carrier or a city or local natural gas distribution network, means such rate for moving each unit of petroleum, petroleum products or natural gas as may be fixed by regulations.

CHAPTER II

PETROLEUM AND NATURAL GAS REGULATORY BOARD

3. *Establishment and incorporation of the Board*—(1) With effect from such date as the Central Government may, by notification, appoint, there shall be established, for the purposes of this Act, a Board to be called the Petroleum and Natural Gas Regulatory Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(3) The Board shall consist of a Chairperson, a Member (legal) and three other members to be appointed by the Central Government.

(4) The head office of the Board shall be at New Delhi and regional offices at such places as the Board may deem necessary having regard to public interest and magnitude of the work.

4. *Qualifications for appointment of Chairperson and other members.*—(1) The Central Government shall appoint the Chairperson and other members of the Board from amongst persons of eminence in the fields of petroleum and natural gas industry, management, finance, law, administration or consumer affairs:

Provided that no person shall be appointed as Member (Legal) unless he—

(a) is qualified to be a judge of a High Court; or

(b) has been a member of the Indian Legal Service and has held a post in Grade I of that Service for at least three years.

(2) The Central Government shall, for the purposes of selecting the Chairperson and other members of the Board and for preparing a panel of persons to be considered for appointment as the Technical Member (Petroleum and Natural Gas) of the Appellate Tribunal, constitute a Search Committee consisting of—

(i) Member, Planning Commission in charge of the energy sector—Chairperson;

(ii) Secretary to the Government of India, Ministry of Petroleum and Natural Gas—Member;

(iii) Secretary to the Government of India, Ministry of Finance, Department of Economic Affairs—Member;

(iv) Secretary to the Government of India in charge of Commerce, Ministry of Commerce and Industry—Member; and

(v) Secretary to the Government of India, Department of Legal Affairs, Ministry of Law and Justice—Member.

5. *Term of office conditions of service, etc., of Chairperson and other members.*—(1) Before appointing any person as the Chairperson or other member, the Central Government shall satisfy itself that such person does not have any financial or other interest which is likely to affect prejudicially his functions as Chairperson or such other member.

(2) The Chairperson and other members shall hold office for a term of five years from the date on which they enter upon their offices or until they attain the age of sixty-five years, whichever is earlier:

Provided that the Chairperson and other members shall not be eligible for re-appointment.

Explanation.—For the purposes of this section, appointment of a member as Chairperson shall not be deemed to be re-appointment.

(3) A person in the service of the Central Government, a State Government or an undertaking, corporation or company owned or controlled by the Central Government or a State Government or from any other non-Governmental or corporate body shall resign or retire from such service before joining as the Chairperson or other member, as the case may be.

(4) The salaries and allowances payable to and the other terms and conditions of service of the Chairperson and the other members shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or any other member shall be varied to his disadvantage after appointment.

(5) The Chairperson or other member may resign his office by giving notice thereof in writing to the Central Government and on such resignation being accepted, the Chairperson or such other member shall be deemed to have vacated his office.

(6) The Chairperson or any other member, upon ceasing to hold office as such, shall—

(a) be ineligible for further employment under the Central Government or any State Government; and

(b) not accept any commercial employment for a period of two years from the date he ceases to hold such office.

Explanation.—For the purposes of this section, “commercial employment” means employment in any capacity under, or agency of, a person engaged in trading, commercial, industrial or financial business in any field and includes also a director of a company or partner of a firm or setting up practice either independently or as partner of a firm or as an advisor or a consultant.

6. *Powers of Chairperson.*—The Chairperson shall have the powers of general superintendence and directions in the conduct of the affairs of the Board and shall, in addition to presiding over the meetings of the Board, exercise and discharge such other powers and functions of the Board, as may be assigned to him by the Board.

7. *Removal of Chairperson or any other member from office.*—The Central Government may remove from office the Chairperson or any other member, who—

- (a) has been adjudged as insolvent; or
- (b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or
- (c) has become physically or mentally incapable of acting as a member; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest:

Provided that no Chairperson or other member shall be removed from office under clause (d) or clause (e) unless the Central Government, after holding an inquiry by any person appointed or authority constituted for the purpose and in accordance with such procedure as may be prescribed in this behalf, is satisfied that such person ought on such ground or grounds to be removed.

8. *Meetings of the Board.*—(1) The Board shall meet at such times and places, and shall observe such procedure in regard to the transaction of business at its meetings (including the quorum at such meetings) as may be provided by regulations.

(2) The Chairperson or, if he is unable to attend a meeting of the Board, the senior-most member present, reckoned from the date of appointment to the Board, shall preside at the meeting:

Provided that in case of common date of appointment of members, the member senior in age shall be considered as senior to the other members.

•(3) All questions which come up before any meeting of the Board shall be decided by a majority of the members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding shall have a second or casting vote.

(4) All orders and decisions of the Board shall be authenticated by the Secretary or any other officer of the Board duly authorised by the Chairperson in this behalf.

9. *Vacancies etc., not to invalidate proceedings of the Board.*—No act or proceeding of the Board shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Board;
or

(b) any defect in the appointment of a person acting as a member of the Board; or

(c) any irregularity in the procedure of the Board not affecting the merits of the case.

10. *Officers and other employees of the Board.*—(1) The Central Government may, in consultation with the Board, appoint a Secretary to exercise and perform such powers and duties, under the control of the Chairperson as may be specified by regulations:

Provided that no such consultation shall be necessary for appointment of the first Secretary of the Board.

(2) The Board may, with the approval of the Central Government, determine the number, nature and categories of other officers and employees required to assist the Board in the efficient discharge of its functions.

(3) The salaries and allowances payable to and the other terms and conditions of service of the Secretary, the other officers and employees of the Board shall be such as may be prescribed.

(4) The Board may appoint consultants required to assist in the discharge of its functions on such terms and conditions as may be determined by regulations.

CHAPTER III

FUNCTIONS AND POWERS OF THE BOARD

11. *Functions of the Board.*—The Board shall—

(a) protect the interest of consumers by fostering fair trade and competition amongst the entities;

(b) register entities to—

(i) market notified petroleum and petroleum products and, subject to the contractual obligations of the Central Government, natural gas;

(ii) establish and operate liquefied natural gas terminals;

(iii) establish storage facilities for petroleum, petroleum products or natural gas exceeding such capacity as may be specified by regulations;

(c) authorise entities to—

(i) lay, build, operate or expand a common carrier or contract carrier;

(ii) lay, build, operate or expand city or local natural gas distribution network;

(d) declare pipelines as common carrier or contract carrier;

(e) regulate, by regulations,—

(i) access to common carrier or contract carrier so as to ensure fair trade and competition amongst entities and for that purpose specify pipeline access code;

(ii) transportation rates for common carrier or contract carrier;

(iii) access to city or local natural gas distribution network so as to ensure fair trade and competition amongst entities as per pipeline access code;

(f) in respect of notified petroleum, petroleum products and natural gas—

(i) ensure adequate availability;

(ii) ensure display of information about the maximum retail prices fixed by the entity for consumers at retail outlets;

(iii) monitor prices and take corrective measures to prevent restrictive trade practice by the entities;

(iv) secure equitable distribution for petroleum and petroleum products;

(v) provide, by regulations, and enforce, retail service obligations for retail outlets and marketing service obligations for entities;

(vi) monitor transportation rates and take corrective action to prevent restrictive trade practice by the entities;

- (g) levy fees and other charges as determined by regulations;
- (h) maintain a data bank of information on activities relating to petroleum, petroleum products and natural gas;
- (i) lay down, by regulations, the technical standards and specifications including safety standards in activities relating to petroleum, petroleum products and natural gas, including the construction and operation of pipeline and infrastructure projects related to downstream petroleum and natural gas sector;
- (j) perform such other functions as may be entrusted to it by the Central Government to carry out the provisions of this Act.

12. *Powers regarding complaints and resolution of disputes by the Board.*—(1) The Board shall have jurisdiction to—

(a) adjudicate upon and decide any dispute or matter arising amongst entities or between an entity and any other person on issues relating to refining, processing, storage, transportation, distribution, marketing and sale of petroleum, petroleum products and natural gas according to the provisions of Chapter V, unless the parties have agreed for arbitration;

(b) receive any complaint from any person and conduct any inquiry and investigation connected with the activities relating to petroleum, petroleum products and natural gas on contravention of—

(i) retail service obligations;

(ii) marketing service obligations;

(iii) display of retail price at retail outlets;

(iv) terms and conditions subject to which a pipeline has been declared as common carrier or contract carrier or access for other entities was allowed to a city or local natural gas distribution network, or authorisation has been granted to an entity for laying, building, expanding or operating a pipeline as common carrier or contract carrier or authorisation has been granted to an entity for laying, building, expanding or operating a city or local natural gas distribution network;

(v) any other provision of this Act or the rules or the regulations or orders made thereunder.

(2). While deciding a complaint under sub-section (1), the Board may pass such orders and issue such directions as it deems fit or refer the matter for investigation according to the provisions of Chapter V.

13. *Procedure of the Board.*—(1) The Board shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) subject to the provisions of section 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), requisitioning any public record or document or a copy of such record or document, from any office and production of such documents;

(c) receiving evidence on affidavits;

(d) issuing commissions for the examination of witnesses or documents;

(e) dismissing an application for default or deciding it, *ex parte*;

(f) setting aside any order of dismissal of any application for default or any order passed by it, *ex parte*;

(g) granting interim relief;

(h) reviewing its decision; and

(i) any other matter which may be prescribed.

(2) Every proceeding before the Board shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code and the Board (45 of 1860) shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

(3) The Board shall be guided by the principles of natural justice and subject to other provisions of this Act and of any rules made thereunder, shall have powers to regulate its own procedure including the places at which it shall conduct its business.

CHAPTER IV

REGISTRATION AND AUTHORISATION

14. *Register*.—(1) For the purposes of this Act, a register to be called the Petroleum and Natural Gas Register shall be kept at the head office of the Board containing such details of entities—

(a) registered for—

- (i) marketing notified petroleum, petroleum products or natural gas, or
- (ii) establishing and operating liquefied natural gas terminals, or
- (iii) establishing storage facilities for petroleum, petroleum products or natural gas exceeding such capacity as may be specified by regulations, or

(b) authorised for—

- (i) laying, building, operating or expanding a common carrier, or
- (ii) laying, building, operating or expanding a city or local natural gas distribution network, as may be provided by the Board by regulations.

(2) A copy of any entry in the register purporting to be maintained by the Board and certified as such by an officer authorised by the Board, shall be admitted in evidence in all courts and in all proceedings without further proof of production of the original.

(3) The register shall be open to public inspection at the head office of the Board.

(4) Any person may, on application to the Board, and on payment of such fee as may be determined by the Board, by regulations, obtain a certified copy of any entry in the register.

15. *Registration of entities*.—(1) Every entity desirous of—

(a) marketing any notified petroleum or petroleum products or natural gas; or

(b) establishing or operating a liquefied natural gas terminal; or

(c) establishing storage facilities for petroleum, petroleum products or natural gas exceeding such capacity as may be specified by regulations,

and fulfilling the eligibility conditions as may be prescribed shall make an application to the Board for its registration under this Act:

Provided that no registration under this Act shall be required for any entity carrying on any activity referred to in clause (a) or clause (b) or clause (c) immediately before the appointed day but shall inform the Board about such activity within six months from the appointed day.

(2) Every application for registration under sub-section (1) shall be made in such form and in such manner and shall be accompanied by such fee as may be determined by the Board by regulations.

(3) The Board may, after making such enquiry and subject to such terms and conditions as it may specify, grant a certificate of registration to the entity allowing to commence and carry on the activity referred to in clause (a) or clause (b) or clause (c) as the case may be, of sub-section (1).

(4) The Board may, by order, suspend or cancel a certificate of registration granted under sub-section (3) in such manner as may be determined by regulations:

Provided that no order under this sub-section shall be made unless the entity concerned has been given a reasonable opportunity of being heard.

16. *Authorisation.*— No entity shall—

(a) lay, build, operate or expand any pipeline as a common carrier or contract carrier,

(b) lay, build, operate or expand any city or local natural gas distribution network, without obtaining authorisation under this Act:

Provided that an entity,—

(i) laying, building, operating or expanding any pipeline as common carrier or contract carrier; or

(ii) laying, building, operating or expanding any city or local natural gas distribution network,

immediately before the appointed day shall be deemed to have such authorisation subject to the provisions of this Chapter, but any change in the purpose or usage shall require separate authorisation granted by the Board.

17. *Application for authorisation.*—(1) An entity which is laying, building, operating or expanding or which proposes to lay, build, operate or expand, a pipeline as a common carrier or contract carrier shall apply in writing to the Board for obtaining an authorisation under this Act:

Provided that an entity laying, building, operating or expanding any pipeline as common carrier or contract carrier authorised by the Central Government at any time before the appointed day shall furnish the particulars of such activities to the Board within six months from the appointed day.

(2) An entity which is laying, building, operating or expanding, or which proposes to lay, build, operate or expand, a city or local natural gas distribution network shall apply in writing for obtaining an authorisation under this Act:

Provided that an entity laying, building, operating or expanding any city or local natural gas distribution network authorised by the Central Government at any time before the appointed day shall furnish the particulars of such activities to the Board within six months from the appointed day.

(3) Every application under sub-section (1) or sub-section (2) shall be made in such form and in such manner and shall be accompanied with such fee as the Board may, by regulations, specify.

(4) Subject to the provisions of this Act and consistent with the norms and policy guidelines laid down by the Central Government, the Board may either reject or accept an application made to it, subject to such amendments or conditions, if any, as it may think fit.

(5) In the case of refusal or conditional acceptance of an application, the Board shall record in writing the grounds for such rejection or conditional acceptance, as the case may be.

18. *Publicity of applications.*—When an application for registration for marketing notified petroleum, petroleum products and natural gas, or for establishing and operating a liquefied natural gas terminal, or for establishing storage facilities for petroleum, petroleum products or natural gas exceeding such capacity as may be specified by regulations, is accepted whether absolutely or subject to conditions or limitations, the Board shall, as soon as may be, cause such acceptance to be known to the public in such form and manner as may be provided by regulations.

19. *Grant of authorisation.*—(1) When, either on the basis of an application for authorisation for laying, building, operating or expanding a common carrier or contract carrier or for laying, building, operating or expanding a city or local natural gas distribution network is received or on *suo motu* basis, the Board forms an opinion that it is necessary or expedient to lay, build, operate or expand a common carrier or contract carrier between two specified points, or

to lay, build, operate or expand a city or local natural gas distribution network in a specified geographic area, the Board may give wide publicity of its intention to do so and may invite applications from interested parties to lay, build, operate or expand such pipelines or city or local natural gas distribution network.

(2) The Board may select an entity in an objective and transparent manner as specified by regulations for such activities.

20. *Declaring, laying, building, etc., of common carrier or contract carrier and city or local natural gas distribution network.*—(1) If the Board is of the opinion that it is necessary or expedient, to declare an existing pipeline for transportation of petroleum, petroleum products and natural gas or an existing city or local natural gas distribution network, as a common carrier or contract carrier or to regulate or allow access to such pipeline or network, it may give wide publicity of its intention to do so and invite objections and suggestions within a specified time from all persons and entities likely to be affected by such decision.

(2) For the purposes of sub-section (1), the Board shall provide the entity owning, the pipeline or network an opportunity of being heard and fix the terms and conditions subject to which the pipeline or network may be declared as a common carrier or contract carrier and pass such orders as it deems fit having regard to the public interest, competitive transportation rates and right of first use.

(3) The Board may, after following the procedure as specified by regulations under section 19 and sub-sections (1) and (2), by notification.—

(a) declare a pipeline or city or local natural gas distribution network as a common carrier or contract carrier; or

(b) authorise an entity to lay, build, operate or expand a pipeline as a common carrier or contract carrier; or

(c) allow access to common carrier or contract carrier or city or local natural gas distribution network; or

(d) authorise an entity to lay, build, operate or expand a city or local natural gas distribution network.

(4) The Board may decide on the period of exclusivity to lay, build, operate or expand a city or local natural gas distribution network for such number of years as it may by order, determine in accordance with the principles laid down by the regulations made by it, in a transparent manner while fully protecting the consumer interests.

(5) For the purposes of this section, the Board shall be guided by the objectives of promoting competition among entities, avoiding infructuous investment, maintaining or increasing supplies or for securing equitable distribution or ensuring adequate availability of petroleum, petroleum products and natural gas throughout the country and follow such principles as the Board may, by regulations, determine in carrying out its functions under this section.

21. *Right of first use, etc.*—(1) The entity laying, building, operating or expanding a pipeline for transportation of petroleum and petroleum products or laying, building, operating or expanding a city or local natural gas distribution network shall have right of first use for its own requirement and the remaining capacity shall be used amongst entities as the Board may, after issuing a declaration under section 20, determine having regard to the needs of fair competition in marketing and availability of petroleum and petroleum products throughout the country:

Provided that in case of any entity engaged in both marketing of natural gas and laying, building, operating or expanding a pipeline for transportation of natural gas on common carrier or contract carrier basis, the Board shall require such entities to comply with the affiliate code of conduct as may be specified by regulations and may require such entity to separate the activities of marketing of natural gas and the transportation including ownership of the pipeline within such period as may be allowed by the Board and only within the said period, such entity shall have right of first use.

(2) An entity other than an entity authorised to operate shall pay transportation rate for use of common carrier or contract carrier to the entity operating it as an authorised entity.

(3) An entity authorised to lay, build, operate or expand a pipeline as common carrier or contract carrier or to lay, build, operate or expand a city or local natural gas distribution network shall be entitled to institute proceedings before the Board to prevent, or to recover damages for, the infringement of any right relating to authorisation.

Explanation.—For the purposes of this sub-section, “infringement of any right” means doing of any act by any person which interferes with common carrier or contract carrier or causes prejudice to the authorised entity.

22. *Transportation tariff.*—(1). Subject to the provisions of this Act, the Board shall lay down, by regulations, the transportation tariffs for common carriers or contract carriers or city or local natural gas distribution network and the manner of determining such tariffs.

(2) For the purposes of sub-section (1), the Board shall be guided by the following, namely:—

(a) the factors which may encourage competition, efficiency, economic use of the resources, good performance and optimum investments;

(b) safeguard the consumer interest and at the same time recovery of cost of transportation in a reasonable manner;

(c) the principles rewarding efficiency in performance;

(d) the connected infrastructure such as compressors, pumps, metering units, storage and the like connected to the common carriers or contract carriers;

(e) benchmarking against a reference tariff calculated based on cost of service, internal rate of return, net present value or alternate mode of transport;

(f) policy of the Central Government applicable to common carrier, contract carrier and city or local distribution natural gas network.

23. *Suspension or cancellation of authorisation.*—If the Board, on an application of an affected party or on its own motion, is satisfied that the entity in favour of which authorisation has been granted under section 19 has failed to comply with any conditions of authorisation, it may, after giving an opportunity to such entity of being heard, either suspend the authorisation for such period as the Board may think fit or cancel the authorisation:

Provided that where the Board is of the opinion that an authorised entity persistently acts in a manner prejudicial to the interests of consumers, it may take action for the suspension of the authorisation immediately subject to the opportunity of hearing being given subsequently, after which action so taken may be confirmed or revoked.

CHAPTER V

SETTLEMENT OF DISPUTES

24. *Board to settle disputes.*—(1) Save as otherwise provided for arbitration in the relevant agreements between entities or between an entity or any other person, as the case may be, if any dispute arises, in respect of matters referred to in sub-section (2) among entities or between an entity and any other person, such dispute shall be decided by a Bench consisting of the Member (Legal) and one or more members nominated by the Chairperson:

Provided that if the members of the Bench differ on any point or points, they shall state the point or points on which they differ and refer the same to a member other than a member of the Bench for hearing on such point or points and such point or points shall be decided according to the opinion of that member.

(2) The Bench constituted under sub-section (1) shall exercise, on and from the appointed day, all such jurisdiction, powers and authority as were exercisable by a civil court on any matter relating to—

(a) refining, processing, storage, transportation and distribution of petroleum, petroleum products and natural gas by the entities;

(b) marketing and sale of petroleum, petroleum products and natural gas including the quality of service and security of supply to the consumers by the entities; and

(c) registration or authorisation issued by the Board under section 15 or section 19.

(3) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), the Board shall have the power to decide matters referred to in sub-section (2) on or after the appointed day.

25. *Filing of complaints.*—(1) A complaint may be filed before the Board by any person in respect of matters relating to entities or between entities on any matter arising out of the provisions of this Act:

Provided that the complaints of individual consumers maintainable before a consumer disputes redressal forum under the Consumer Protection Act, 1986 (68 of 1986) shall not be taken up by the Board but shall be heard and disposed of by such forum.

Explanation.—For the purposes of this sub-section, the expression “consumer disputes redressal forum” shall mean the district forum, State Commission or, the National Commission, as the case may be, constituted under the provisions of the Consumer Protection Act, 1986 (68 of 1986).

(2) Every complaint made under sub-section (1) shall be filed within sixty days from the date on which any act or conduct constituting a contravention took place and shall be in such form and shall be accompanied by such fee as may be provided by regulations:

Provided that the Board may entertain a complaint after the expiry of the said period if it is satisfied that there was sufficient cause for not filing the complaint within that period.

(3) On receipt of a complaint under sub-section (1), the Board shall decide within thirty days whether there is a *prima facie* case against the entity or entities concerned and may either conduct enquiry on its own or refer the matter for investigation under this Chapter, to an Investigating Officer having jurisdiction; and, where the matter is referred to such Investigating Officer, on receipt of a report from such Investigating Officer, the Board may, hear and dispose of the complaint as a dispute if it falls under sub-section (2) of section 27 and in any other case, it may pass such orders and issue such directions as it deems fit.

(4) Where the Central Government considers that a matter arising out of the provisions of this Act is required to be investigated, it shall make a reference to the Board and the provisions of this Act shall apply as if such reference were a complaint made to the Board.

26. *Power to investigate.*—(1) For the purposes of provisions of section 25, the Board shall, subject to the provisions of sub-section (3), appoint by general or special order, an officer of the Board as an Investigating Officer for holding an investigation in the manner provided by regulations:

Provided that where the Board considers it necessary that the matter should be investigated by any investigating agency of the State or Central Government including the special police force constituted under section 2 of the Delhi Special Police Establishment Act, 1946 (25 of 1946); the Board may request the concerned Government for directing or authorising such agency to investigate and the agency so directed or authorised shall, then, be competent to exercise the powers and to discharge the duties of an Investigating Officer under this Act.

(2) No person shall be appointed as an Investigating Officer unless he possesses such qualifications and experience as may be determined by the Board by regulations.

(3) Where more than one Investigating Officer is appointed, the Board shall specify, by order, the matters and the local limits of jurisdiction with respect to which each such officer shall exercise his jurisdiction.

27. *Factors to be taken into account by the Board.*—The Board shall, while deciding a dispute under this Chapter, have due regard to the provisions of this Act and to the following factors, namely:—

(a) the amount of disproportionate gain made or unfair advantage derived, wherever quantifiable, as a result of the default;

(b) the amount of loss caused to an entity as a result of the default;

(c) the repetitive nature of the default.

28. *Civil penalty for contravention of directions given by the Board.*—In case any complaint is filed before the Board by any person or if the Board is satisfied that any person has contravened a direction issued by the Board under this Act to provide access to, or to adhere to the transportation rate in respect of a common carrier, or to display maximum retail price at retail outlets, or violates the terms and conditions subject to which registration or authorisation has been granted under section 15 or section 19 or the retail service obligations or marketing service obligations, or does not furnish information, document, return of report required by the Board, it may, after giving such person an opportunity of being heard in the matter, by order in writing, direct that, without prejudice to any other penalty to which he may be liable under this Act, such person shall pay, by way of civil penalty an amount which shall not exceed one crore rupees for each contravention and in case of a continuing failure with additional penalty which may extend to ten lakh rupees for every day during which the failure continues after contravention of the first such direction:

Provided that in the case of a complaint on restrictive trade practice, the amount of civil penalty may extend to five times the unfair gains made by the entity or ten crore rupees, whichever is higher.

29. *Orders passed by Board deemed to be decrees.*—Every order made by the Board under this Act shall, on a certificate issued by an officer of the Board, shall be executable in the same manner as if it were a decree of a civil court:

Provided that where an appeal lies against an order of the board and no appeal is preferred then the order of the Board shall be deemed to be a final decree under this section on the expiry of the period allowed for preferring an appeal against such order before the Appellate Tribunal.

CHAPTER VI

APPEALS TO APPELLATE TRIBUNAL

30. *Appellate Tribunal*.—(1) Subject to the provisions of this Act, the Appellate Tribunal established under section 110 of the Electricity Act, 2003 (36 of 2003) shall be the Appellate Tribunal for the purposes of this Act and the said Appellate Tribunal shall exercise the jurisdiction, powers and authority conferred on it by or under this Act:

Provided that the Technical Member of the Appellate Tribunal for the purposes of this Act shall be called the Technical Member (Petroleum and Natural Gas) and shall have the qualifications specified in sub-section (2) of section 31.

(2) Notwithstanding anything contained in the Electricity Act, 2003 (36 of 2003), the Central Government may, for the purposes of this Act, appoint one or more Technical Members (Petroleum and Natural Gas) on the Appellate Tribunal for Electricity or designate a Technical Member of the said Tribunal having the qualifications specified in sub-section (2) of section 31 and when a Technical Member (Petroleum and Natural Gas) is appointed, he shall be in addition to the three other members appointed under the said Act.

31. *Technical Member (Petroleum and Natural Gas)*.—(1) The Technical Member (Petroleum and Natural Gas) shall be appointed from the panel prepared by the Search Committee constituted under sub-section (2) of section 4.

(2) A person shall not be qualified for appointment as a Technical Member (Petroleum and Natural Gas) of the Appellate Tribunal unless he—

(i) is, or has been, a Secretary for at least one year in the Ministry or Department of the Central Government having adequate experience in energy sector, especially in matters relating to Petroleum and Natural Gas sector; or

(ii) is, or has been, a person of ability and standing, having adequate knowledge or experience in dealing with matters relating to exploration, production, transmission pipelines, marketing or regulation of petroleum, petroleum products or natural gas, economics, commerce, law or management.

32. *Terms and conditions of service of Technical member (Petroleum and Natural Gas).*—The term of office, the salaries and allowances payable to and the other terms and conditions of service of the Technical Member (Petroleum and Natural Gas) shall be the same as applicable to the other members of the Appellate Tribunal.

33. *Appeals to Appellate Tribunal.*—(1) Any person aggrieved by an order or decision made by the Board under this Act may prefer an appeal to the Appellate Tribunal :

Provided that any person preferring an appeal against an order or decision of the Board levying any penalty shall, while filing the appeal, deposit the amount of such penalty :

Provided further that where in any particular case, the Appellate Tribunal is of the opinion that deposit of such penalty would cause undue hardship to such person, it may dispense with such deposit subject to such conditions as it may deem fit to impose so as to safeguard the realisation of penalty.

(2) Every appeal under sub-section (1) shall be filed within a period of thirty days from the date on which a copy of the direction or order of decision made by the Board is received by the aggrieved person and it shall be in such form, verified in such manner and be accompanied by such fee as may be prescribed :

Provided that the appellate Tribunal may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

(3) On receipt of an appeal under sub-section (1), the appellate Tribunal may, after giving the parties an opportunity of being heard, pass such orders thereon as it thinks fit.

(4) The Appellate Tribunal shall send a copy of every order made by it to the parties to the appeal and to the Board.

(5) The appeal filed under sub-section (1) shall be dealt with by the Appellate Tribunal as expeditiously as possible and endeavour shall be made by it to dispose of the appeal finally within ninety days from the date of receipt of appeal :

Provided that where any such appeal could not be disposed of within the said period of ninety days, the Appellate Tribunal shall record its reasons in writing for not disposing of the appeal within the said period.

(6) The Appellate Tribunal may, for the purpose of examining the legality or propriety or correctness of any order or decision of the Board referred to in the appeal filed under sub-section (1), either on its own motion or otherwise, call for the records relevant to disposing of such appeal and make such orders as it thinks fit.

34. *Procedure and powers of the Appellate Tribunal.*—The provisions of sections 120 to 124 (both inclusive) of the Electricity Act, 2003 (36 of 2003) shall *mutatis mutandis* apply to the Appellate Tribunal in the discharge of its functions under this Act as they apply to it in the discharge of its functions under the Electricity Act, 2003.

35. *Power of Appellate Tribunal to make rules.*—The Appellate Tribunal may, by notification, make rules consistent with the provisions of this Act as to the conduct and procedure in respect of all proceedings before it under this Act.

36. *Orders passed by Appellate Tribunal to be executable as a decree.*—(1) Every order made by the Appellate Tribunal under this Act shall be executable by the Appellate Tribunal as a decree of a civil court, and for this purpose, the Appellate Tribunal shall have all the powers of a civil court.

(2) Notwithstanding anything contained in sub-section (1), the Appellate Tribunal may transmit any order made by it to a civil court having jurisdiction and such civil court shall execute the order as if it were a decree made by that court.

37. *Appeal to Supreme Court.*—(1) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908) or in any other law, an appeal shall lie against any order, not being an interlocutory order, of the Appellate Tribunal to the Supreme court on one or more of the grounds specified in section 100 of that Code.

(2) No appeal shall lie against any decision or order made by the Appellate Tribunal with the consent of the parties.

(3) Every appeal under this section shall be preferred within a period of ninety days from the date of the decision or order appealed against :

Provided that the Supreme Court may entertain the appeal after the expiry of the said period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

CHAPTER VII

FINANCE, ACCOUNTS AND AUDIT

38. *Grants by Central Government.*—The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Board grants of such sums of money as are required to pay salaries and allowances payable to the Chairperson and the other members and the administrative expenses including the salaries, allowances and pensions payable to the officers and employees of the Board.

39. *Fund.*—(1) There shall be constituted a Fund to be called the Petroleum and Natural Gas Regulatory Board Fund and there shall be credited thereto—

(i) all grants, fees, penalties and charges received by the Board under this Act; and

(ii) all sums received by the Board from such other sources as may be approved by the Central Government.

(2) The Fund shall be applied for making payments towards—

(i) the salaries and allowances payable to the Chairperson and other members and the administrative expenses including the salaries, allowances and pensions payable to the officers and employees of the Board;

(ii) the expenses incurred or to be incurred in carrying out the provisions of this Act.

(3) The Central Government shall—

(i) constitute a committee consisting of such persons as it thinks fit to recommend to that Government the budgetary requirements of the Board for salaries, allowances and all other expenses; and

(ii) fix the budgetary ceiling of the Board on the basis of the recommendations of the committee.

40. *Accounts and Audit.*—(1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Board shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General of India.

Explanation.—For the removal of doubts, it is hereby declared that the decisions of the Board taken in the discharge of its functions under this Act, being matters appealable to the Appellate Tribunal, shall not be subject to audit under this section.

(3) The Comptroller and Auditor-General of India or any other person appointed by him in connection with the audit of the accounts of the Board shall have the same rights and privileges and authority in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and inspection of offices of the Board.

(4) The accounts of the Board as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

41. *Annual report and its laying before Parliament.*—(1) The Board shall prepare once every year in such form and at such time as may be prescribed, an annual report giving a summary of its activities including information relating to the proceedings and policies during the previous years and such report shall also contain statements of annual accounts of the Board.

(2) A copy of the report shall be forwarded to the Central Government and the Central Government shall cause such report to be laid, as soon as may be after it is received, before each House of Parliament.

CHAPTER VIII

POWER OF CENTRAL GOVERNMENT

42. *Power of Central Government to issue directions.*—(1) The Central Government may, from time to time, by writing issue to the Board such directions as it may think necessary in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States or public order.

(2) Without prejudice to the foregoing provision, the Central Government may, if it finds necessary or expedient so to do in public interest or for maintaining or increasing supplies of petroleum, petroleum products or natural gas or all or any of them or for securing their equitable distribution and ensuring adequate availability, issue policy directives to the Board in writing and such policy directives shall be binding upon the Board:

Provided that no such directive shall relate to any day-to-day affairs of the Board:

Provided further that the Board shall, as far as practicable, be given an opportunity of expressing its views before any directive is issued under this sub-section.

(3) The decision of the Central Government whether a question is one of policy or not shall be final.

43. *Taking over control and management of facilities and business premises of any entity and retail outlets in public interest.*—(1) In the event of war or natural calamity or such other similar circumstances leading to disruption of supply of petroleum, petroleum products or natural gas, the Central Government may, for ensuring the continuous supply of petroleum, petroleum products or natural gas, by notification, either takeover the control and management of any storage site, facilities and business premises of any entity and retail outlets or suspend its operations or entrust, to any agency of the Central or State Government for such time and manage it in such manner, as may be specified in that notification:

Provided that the affected entities shall be given an opportunity of being heard before issuing orders to take over the control and management of retail outlets and other business premises:

Provided further that in case of any urgency or in cases where the circumstances do not permit serving of notice for want of sufficient time or otherwise upon the entity against whom the order is directed, the opportunity of hearing may be dispensed within public interest in order to maintain the uninterrupted supply of petroleum, petroleum products or natural gas for a specified period.

(2) The collector of the revenue district in which the property referred to in the notification issued under sub-section (1) is situated shall determine the amount of compensation payable for taking over of the property.

(3) The form and manner in which an application for claiming compensation under this section shall be made, the procedure for determining the compensation and the time within which such compensation shall be payable, shall be such as may be prescribed.

CHAPTER IX

OFFENCES AND PUNISHMENT

44. *Punishment for contravention of directions of the Board.*—If a person contravenes the directions of the Board, such person shall be punishable with fine which may extend to twenty-five crore rupees and in case of continuing contravention with additional fine which may extend to ten lakh rupees for every day during which the contravention continues.

45. *Penalty for wilful failure to comply with orders of Appellate Tribunal.*—If any person wilfully fails to comply with the order of the Appellate Tribunal, he shall be punishable with fine which may extend to one crore rupees and in case of a second or subsequent offence with fine which may extend to two crore rupees and in the case of continuing contravention with additional fine which may extend to twenty lakh rupees for every day during which such default continues.

46. *Punishment for unauthorised activities.*—If any person, being an entity, markets any notified petroleum, petroleum products or natural gas without a valid registration, or authorisation such person shall be punishable with imprisonment which may extend to three years or with fine which may extend to twenty-five crore rupees or with both, and in case of continuing contravention with additional fine which may extend to ten lakh rupees for every day during which the contravention continues.

47. *Punishment for establishing or operating a liquefied natural gas terminal without registration.*—If a person establishes or operates a liquefied natural gas terminal without registration as required under section 15, such person shall be liable for punishment with an imprisonment for a term which may extend to three years or penalty of twenty-five crore rupees or with both, and in case of continuing contravention with additional fine which may extend to ten lakh rupees for every day during which the contravention continues.

48. *Punishment for laying, building, operating or expanding a common carrier or contract carrier without authorisation.*—If a person lays, builds, operates or expands a common carrier or contract carrier or a city or local

natural gas distribution network without obtaining authorisation required under section 19, such person shall be liable for punishment with an imprisonment for a term which may extend to three years or penalty of twenty-five crore rupees or with both, and in case of continuing contravention with additional fine which may extend to ten lakh rupees for every day during which the contravention continues.

49. *Punishment for wilful damages to common carrier or contract carrier.*—Every person who wilfully removes, destroys or damages any pipeline or city or local natural gas distribution network or other work of the common carrier or contract carrier for supplying petroleum, petroleum products or natural gas shall for each such offence be punishable with imprisonment which may extend to three years or with fine which may extend to twenty-five crore rupees or with both, and, in case of continuing contravention with additional fine which may extend to ten lakh rupees for every day during which such contravention continues.

50. *Offences by companies.*—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

CHAPTER X
MISCELLANEOUS

51. *Maintenance of data bank and information.*—(1) The Board shall maintain a data bank and information system relating to activities of entities dealing with petroleum, petroleum products and natural gas in such form and manner as may be provided by regulations.

(2) The Board shall have power to verify the data supplied by the entities and appoint any person or persons for the purpose and take such measures as it may consider necessary.

52. *Obligations of entities.*—(1) Every entity shall—

(a) maintain such documentary records as may be specified by the Board by regulations;

(b) allow inspection of such facilities and documentary records, as may be specified by the Board, by any person authorised by the Board;

(c) commence operation of activities for which authorisation has been granted within such period as may be specified by the Board in the document of authorisation;

(d) register—

(i) agreements with the Board relating to use of pipelines for supply of petroleum, petroleum products and natural gas; or

(ii) any other document which the Board may determine by regulations;

(e) comply with marketing service obligations and retail service obligations.

(2) The Board may call for any information from any entity including information which is considered necessary for ensuring transparency or ascertaining true ownership of the entity.

(3) The Board or any officer authorised by the Board shall have the power to inspect and obtain information, wherever necessary, from the entities.

(4) For the effective enforcement of the terms and conditions of authorisation, the Board or any officer authorised by it for that purpose, shall have all the powers of an inspecting officer as provided under section 209 A of the Companies Act, 1956 (1 of 1956).

(5) It shall be the duty of every entity to carry out the directions of the Board given under this section.

(6) The Board shall maintain confidentiality in respect of any information and record received by it from the entities and shall not disclose information contained therein to any person or authority except on the grounds of public interest.

53. *Furnishing of returns, etc., to Central Government.*—The Board shall furnish to the Central Government at such time and in such form and manner as may be prescribed or as the Central Government may direct, such returns and statements and such particulars in regard to any matter in connection with proposed or existing activities under this Act, as the Central Government may, from time to time, require.

54. *Chairperson, members, etc., to be public servants.*—The Chairperson, Members, Officers and other employees of the Board and Technical Member (Petroleum and Natural Gas) of the Appellate Tribunal shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

55. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Central Government, Board, Technical Authority or Appellate Tribunal or any officer of the Central Government or any Chairperson, Member, Officer or other employee of the Board or Technical Member (Petroleum and Natural Gas) of the Appellate Tribunal for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

56. *Civil Courts not to have jurisdiction.*—No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Board or the Appellate Tribunal is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

57. *Cognizance of certain offences.*—(1) No court shall take cognizance of any offence punishable under Chapter IX save on a complaint made by the Board or by any investigating agency directed by the Central Government.

(2) No court inferior to that of a Chief Metropolitan Magistrate or of a Chief Judicial Magistrate shall try any offence punishable under Chapter IX.

(3) Every offence punishable under sections 44, 45, 46 and 47 shall be cognizable.

58. *Delegation.*—The Board may, by general or special order in writing, delegate to any member or officer of the Board subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act (except the power to settle a dispute under Chapter VI and to make regulations under section 61), as it may deem necessary.

59. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as it may deem necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

60. *Power of Central Government to make rules.*—(1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the salaries and allowances payable to and the other conditions of service of the Chairperson and the other members under sub-section (4) of section 5;

(b) the procedure for appointment of any person or constitution of any authority and conducting inquiry under section 7;

(c) the salaries and allowances payable to and the other terms and conditions of service of the Secretary, officers and other employees of the Board, under sub-section (3) of section 10;

(d) any other matter in respect of which the Board may exercise the powers of a civil court under clause (i) of sub-section (1) of section 13;

(e) the eligibility conditions which an entity shall fulfil for registration under sub-section (1) of section 15;

(f) the form of appeal and the manner of verifying such form, and the fee which shall accompany such form, under sub-section (2) of section 33;

(g) the manner in which the accounts of the Board shall be maintained under sub-section (1) of section 40;

(h) the time and manner in which the annual report of the Board shall be prepared under sub-section (1) of section 41;

(i) the form and manner in which applications for claiming compensation shall be made, the procedure for determining the compensation and the time within which such compensation shall be payable, under sub-section (3) of section 43;

(j) the time and manner in which returns and statements are to be furnished by the Board to the Central Government under section 53;

(k) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

61. *Power of Board to make regulations.*—(1) The Board may, by notification, make regulations consistent with this Act and the rules made thereunder to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the time and places of meetings of the Board and the procedure (including quorum necessary for the transaction of business) to be followed at such meetings under sub-section (1) of section 8;

(b) the powers and duties of the Secretary under sub-section (1) of section 10;

(c) the terms and conditions of the consultants appointed under sub-section (4) of section 10;

(d) the capacity of storage facilities for petroleum, petroleum products or natural gas requiring registration under sub-clause (iii) of clause (b) of section 11;

(e) regulating open access to and transportation rate for the common carrier or contract carrier or city or local natural gas distribution network and other matters referred to in clause (e) of section 11;

(f) marketing service obligations for entities and retail service obligations for retail outlets under sub-clause (v) of clause (f) of section 11;

(g) levy of fees and other charges under clause (g) of section 11;

(h) the technical standards and specifications including safety standards in activities relating to petroleum, petroleum products and natural gas under clause (i) of section 11;

(i) the procedure to be followed by the Board including the places at which it shall conduct its business under sub-section (3) of section 13;

(j) the manner of maintaining the Petroleum and Natural Gas Register under sub-section (1) of section 14;

(k) the form and manner of making application for obtaining certified copy of any entry in the register and the fee which shall accompany such application, under sub-section (4) of section 14;

(l) the form and manner in which an application under sub-section (1) of section 15 shall be made and the fee which shall accompany such application under sub-section (2) of section 15;

(m) the manner by which a certificate of registration granted under sub-section (3) of section 15 may be suspended or cancelled under sub-section (4) of section 15;

(n) the form and manner in which an application under sub-section (1) or sub-section (2) of section 17 shall be made and the fee which shall accompany such application under sub-section (3) of section 17;

(o) the form and manner in which publicity of acceptance of applications for registration shall be made under section 18;

(p) the manner of selection of an entity under sub-section (2) of section 19;

(q) the principles for determining the number of years for which a city or local natural gas distribution network shall be excluded from the purview of a common carrier or contract carrier under sub-section (4) of section 20;

(r) the guiding principles to be followed by the Board and the objectives for declaring, or authorising to lay, build, operate or expand a common carrier or contract carrier for declaring, or authorising to lay, build, operate or expand a city or local natural gas distribution network, under sub-section (5) of section 20;

(s) the affiliate code of conduct under which the entities are required to comply with under the proviso to sub-section (1) of section 21;

(t) the transportation tariffs for common carriers or contract carriers or city or local natural gas distribution network and the manner of determining such tariffs under sub-section (1) of section 22;

(u) the form in which a complaint may be made and the fee which shall accompany such complaint, under sub-section (2) of section 25;

(v) the manner of holding an investigation by an Investigating Officer under sub-section (1) of section 26;

(w) the qualifications and experience which any person for appointment as an Investigating Officer shall possess, under sub-section (2) of section 26;

(x) the form and manner of maintaining data bank and information system by the Board under sub-section (1) of section 51;

(y) maintenance of documentary records by an entity, under clause (a) of sub-section (1) of section 52;

(z) any other type of documents which are to be registered with the Board under sub-clause (ii) of clause (d) of sub-section (1) of section 52;

(za) any other matter which is required to be, or may be, specified by regulations or in respect of which provision is to be or may be made by regulations.

62. *Rules and regulations to be laid before Parliament.*—Every rule made by the Central Government and every regulation made by the Board under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

63. *Transitional arrangements.*—(1) Where, before the commencement of this Act, an agreement or agreements have been entered into between one oil company and another for the purpose of sharing of petroleum products or

sharing of infrastructure facilities among the oil companies and such agreements have been approved by the Central Government, the Board may monitor the implementation of such agreements for the transition period.

(2) The Board shall monitor setting up of dealerships and distributorships of motor spirit, high speed diesel, superior kerosene oil, liquefied petroleum gas and CNG stations for natural gas during transition period by the entities without encroaching on the retail network of the existing entities.

Explanation I.—For the purposes of this section, the expression “transition period” shall mean a period of three years from the date of commencement of this Act.

Explanation II.—For the purposes of this section, “infrastructure facilities” shall mean facilities at ports, refineries, terminals, depots and aviation fuelling stations including hydrant lines and shall include loading and unloading facilities.

Explanation III.—For the purposes of this section “encroaching” includes taking over of retail outlet of one entity by another.



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असाधारण

EXTRAORDINARY

भाग III—खण्ड 4

PART III—Section 4

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पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड

अधिसूचना

नई दिल्ली, 28 अगस्त 2014

1.0 पहुंच प्रबंध संबंधी दिशा-निर्देश

फा. सं. इफ्रा/सीजीडी/एक्सेस अरेजमेंट/1.—पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (नगर या स्थानीय प्राकृतिक गैस वितरण नेटवर्क के लिए पहुंच संहिता) विनियम, 2011 के विनियम 2 के उप-विनियम (1) के खण्ड (क) के पहले परंतुक के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुए बोर्ड एतद्वारा पहुंच प्रबंध संबंधी दिशा-निर्देश, नामतः पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (सीजीडी नेटवर्क के लिए पहुंच संहिता से संबंधित मॉडल पहुंच प्रबंध) दिशा-निर्देश, 2014 (इसके बाद से "पहुंच प्रबंध सम्बंधी दिशा-निर्देश" के रूप में उल्लेख किया जाएगा)।

ये दिशा-निर्देश पेट्रोलियम और प्राकृतिक गैस विनियामक बोर्ड (नगर या स्थानीय प्राकृतिक गैस वितरण नेटवर्क के लिए पहुंच संहिता) विनियम, 2011 (इसके बाद से "सीजीडी पहुंच संहिता" के रूप में उल्लेख किया जाएगा) के प्रावधानों के अंतर्गत विनिर्दिष्ट अनुसार प्राधिकृत कंपनी और शिपरों के बीच पहुंच प्रबंध करने के लिए मार्गदर्शी सिद्धांत उपलब्ध कराते हैं।

इन दिशा-निर्देशों में यहां प्रयुक्त शब्दों और अभिव्यक्तियों, लेकिन जिन्हें अधिनियम या नियमों या उसके अंतर्गत निर्मित विनियमों में परिभाषित किया गया है, का अधिनियम या नियमों या विनियमों, जैसी स्थिति हो, में उन्हें क्रमशः दिया गया अर्थ होगा।

2.0 सेवाएं

पहुंच प्रबंध में प्राधिकृत कंपनी द्वारा शिपर को उपलब्ध कराई जाने वाली निम्नलिखित सेवाएं शामिल होंगी:

- (क) प्रवेश बिंदु पर गैस की प्राप्ति;
- (ख) प्रवेश बिंदु पर गैस की प्राप्ति से लेकर निकास बिंदु पर सुपुर्दगी तक;
- (ग) निकास बिंदु पर गैस की सुपुर्दगी;
- (घ) मीटरिंग और बिलिंग के प्रयोजनार्थ गैस मात्रा का माप, गुणवत्ता, दबाव, तापमान और अन्य कोई मापदण्ड तथा नगर या स्थानीय प्राकृतिक गैस वितरण नेटवर्क की प्रचालनात्मक और सुरक्षा आवश्यकताएं;
- (ङ) नगर या स्थानीय प्राकृतिक गैस वितरण नेटवर्क का रखरखाव, जिसमें सभी संबद्ध सामग्री, ग्राहकों को सेवा प्रदान करने के लिए लगाए गए उपकरण और यंत्र शामिल हों;
- (च) कंपनियों के बीच परस्पर सहमति से नगर या स्थानीय प्राकृतिक गैस वितरण नेटवर्क में शिपर की गैस सम्बंधित इन्वेंटरी का प्रबंधन करना होगा।

प्राधिकृत कंपनी, शिपर को ऐसी अन्य सेवाएं उपलब्ध करा सकती है जैसी कि नगर या स्थानीय प्राकृतिक गैस वितरण नेटवर्क के संबंध में प्राधिकृत कंपनी और शिपर के बीच लिखित में सहमति हो।

3.0 शिपर का प्राधिकृत कंपनी के साथ पंजीकरण तथा गारंटियां

कोई कंपनी, जो शिपर के रूप में आवेदन करना चाहती है, सीजीडी पहुंच संहिता कोड के अनुसार आवश्यकताओं को पूरा करने के बाद शिपर के रूप में पंजीकृत होने हेतु प्राधिकृत कंपनी द्वारा उपलब्ध कराए गए प्रपत्र में आवेदन करेगी। प्राधिकृत कंपनी शीघ्र प्रोसेसिंग करने और पारदर्शिता को प्रोत्साहित करने के लिए ऑनलाइन आवेदन देने के लिए व्यवस्था कर सकती है।

शिपर के रूप में पंजीकरण हेतु पूर्व शर्तों में निम्नलिखित शामिल होगा -

- (क) शिपर के प्रत्यय पत्रों का सीजीडी पहुंच संहिता के विनियम 2 के उप-विनियम (1) के उप-विनियम (घघ) के अनुसार प्राधिकृत कंपनी द्वारा आकलन किया गया हो;
- (ख) प्राधिकृत कंपनी शिपर के पंजीकरण के लिए मानक आवेदन प्रपत्र वेब पर डालेगी तथा पहुंच प्रबंध के मानक प्रावधानों पर शिपर और प्राधिकृत कंपनी के बीच हस्ताक्षर किए जाएंगे, जिसमें सेवा की मानक निबंधन एवं शर्तें, अन्य कोई निबंधन एवं शर्तें शामिल होंगी जो परस्पर सहमति से हो सकती है लेकिन जो पहुंच प्रबंध दिशा-निर्देश के उल्लंघन में नहीं होगी। प्राधिकृत कंपनी आवेदक द्वारा प्रस्तुत ऐसे आवेदन की पावती उसके प्राप्त होने के सात दिनों के अंदर भेजेगी। यदि प्राधिकृत कंपनी द्वारा वेब पर डाले गए मानक आवेदन प्रपत्र में सूचीबद्ध अनुसार सभी आवश्यक आवश्यकताएं पूरी होती हैं तो प्राधिकृत कंपनी आवेदन प्रपत्र की प्राप्ति की तारीख के नब्बे दिनों के अंदर सफल आवेदक को अधिसूचित करेगा तथा अन्य सभी आवश्यकताएं और औपचारिकताएं पूरा करेगा जिनमें ऐसे आवेदन के प्राप्त होने की तारीख से एक सौ बीस दिनों की समाप्ति के अंदर फर्स्ट गैस-इन सुविधा प्रदान करने के लिए पहुंच प्रबंध हेतु करार पर हस्ताक्षर करना शामिल होगा। आवेदन के रद्द होने की स्थिति में प्राधिकृत कंपनी आवेदन की प्राप्ति की तारीख से तीस दिनों के समाप्त होने

THE PETROLEUM AND NATURAL GAS REGULATORY BOARD

NOTIFICATION

New Delhi, the 28th August, 2014

1.0 Access arrangement guidelines.

F. No. Infra/CGD/Access Arrangement/1.—In exercise of the powers conferred under first proviso to clause (a) of sub-regulation (1) of regulation 2 of the Petroleum and Natural Gas Regulatory Board (Access Code for City or Local Natural Gas Distribution Networks) Regulations, 2011, the Board hereby issues the access arrangement guidelines, namely, the Petroleum and Natural Gas Regulatory Board (Model access arrangement related to access code for CGD networks) Guidelines, 2014 (hereinafter referred to as "Access Arrangement Guidelines").

These guidelines provide the guiding principles for facilitating access arrangement between the authorized entity and the shippers as specified under the provisions of the Petroleum and Natural Gas Regulatory Board (Access Code for City or Local Natural Gas Distribution Networks) Regulations, 2011 (hereinafter referred to as "CGD Access Code").

Words and expressions used herein these guidelines, but defined in the Act or in the rules or regulations made thereunder, shall have the meanings respectively assigned to them in the Act or in the rules or regulations, as the case may be.

2.0 Services.

The access arrangement shall contain the following services to be provided by the authorized entity to the shipper:-

- (a) receipt of gas at entry point;
- (b) receipt of gas from entry point to delivery at exit point;
- (c) delivery of gas at exit point;
- (d) measurement of gas quantity, quality, pressure, temperature and any other parameter for the purpose of metering and billing and the operational and safety requirements of city or local natural gas distribution network;
- (e) maintenance of city or local natural gas distribution network including all associated material, equipments and devices installed to service the customers;
- (f) managing shipper's gas inventory in the city or local natural gas distribution network as mutually agreed between entities.

Authorized entity may provide such other services to shipper as may be agreed in writing between authorized entity and shipper in relation to city or local natural gas distribution network.

3.0 Shipper's registration with an authorized entity and guarantees.

An entity who wishes to apply to be a shipper shall make an application in the format provided by authorized entity to be registered as a shipper after meeting the requirements in accordance with CGD Access Code. The authorized entity may make arrangements for online application to facilitate faster processing and promote transparency.

Conditions precedent for registration as a shipper shall include -

- (a) Shipper's credentials have been assessed by the authorized entity in accordance with sub-regulation (zk) of sub-regulation (1) of regulation 2 of the CGD Access Code;
- (b) Authorized entity shall webhost the standard application form for registration of the shipper and standard provisions of access arrangement to be signed between shipper and authorized entity containing the standard terms and conditions of service, any other terms and conditions which may be mutually agreed but not in violation of the Access Arrangement Guidelines. Authorized entity shall acknowledge receipt of such application submitted by the applicant within seven days of receipt thereof. If all the necessary requirements as listed in the standard application form webhosted by the authorized entity are met, the authorized entity shall notify a successful applicant within ninety days of the date of receipt of the application form and shall complete all other requirements and formalities including signing of agreement for access arrangement to facilitate first gas-in within one hundred twenty days from the date of receipt of such application. In the event of rejection of application authorized entity shall inform the applicant along with the reason for rejection before the expiry of thirty days from the date of receipt of application. The applicant, if not

declared successful, may approach the Board for redressal. Decision of the Board in the matter shall be final and binding on both the parties;

- (c) Shipper shall provide and maintain payment guarantees equivalent to sixty days maximum daily quantity (MDQ) to the authorized entity in form of irrevocable revolving unconditional standby letter of credit or any other instrument as per mutual agreement. In case of gas supply to domestic consumers, the shipper shall provide payment security of one hundred twenty days of average gas consumption in the form of mutually agreed financial instrument in order to avoid any disconnection of supply to this segment in case of failure to supply gas by the shipper. Apart from the same, shipper shall also provide the necessary security deposit to the authorized entity corresponding to the Last Mile Connectivity in case of domestic connections.

4.0 Obligations of shipper and authorized entity.

Shipper shall deliver gas at entry point and receive gas at exit point.

Shipper shall ensure that all gas entering city or local natural gas distribution network shall conform to gas specification and shall be within operational range of pressure and temperature to flow in city or local natural gas distribution network. The entry pressure and temperature at all entry point shall be the mutually agreed pressure between the shipper and the authorized entity.

Shipper shall pay all dues and provide such guarantee, surety and security as may be required to meet its commercial obligations under the access arrangement.

Shipper shall be responsible for billing and collection of dues from its customers for natural gas, while for applicable charges entity shall raise bills on the shipper. As meter reading is the responsibility of the entity for domestic, industrial and commercial customers, the entity shall have right to charge meter reading charges from the shipper as may be mutually agreed. Shipper shall also be responsible for any complaints from its customers in relation to billing and collection for natural gas and shall be dealt as per the Petroleum and Natural Gas Regulatory Board (Code of Practice for Quality of Service for City or Local Natural Gas Distribution Networks) Regulations, 2010.

Authorized entity shall transport gas received at entry point through city or local natural gas distribution network and shall deliver gas at exit point.

Authorized entity shall be responsible for the overall management of city or local natural gas distribution network and its related services.

Authorized entity shall act as a supplier of last resort for the domestic customers in case of any default by the shipper.

5.0 Facilities at the entry point and exit point.

- (a) The access arrangement shall list out the facilities provided by the authorized entity to the shipper.
- (b) The access arrangement shall indicate if the authorized entity or the shipper owns, maintains and operates all facilities at the entry point and exit point.
- (c) Authorized entity shall have unrestricted access as per regulation 8 of the CGD Access Code for implementing the provisions of the access arrangement and other relevant notified Regulations under the Act and the shipper, upon reasonable notice, as the case may be, may inspect entry point and exit point facilities at its own costs.
- (d) Authorized entity and shipper shall adhere to one standard time at the respective locations for the purpose of measurement, as specified.
- (e) The maintenance of the facilities, whether owned by the shipper or by the authorized entity, shall be done periodically in accordance with the relevant provisions of regulation 19 of the CGD Access Code and relevant regulations notified under the Act.

(f) The charges borne by the shipper for additional facilities as may be necessary including automation at entry or exit point and domestic meters provided by authorized entity to the shipper shall be at actual cost incurred by the authorized entity for providing such facility.

(g) In case of acts of pilferage or misconduct by the shipper or shipper's customers, the authorized entity shall have the right to suspend or disconnect the supply of natural gas under intimation to the shipper citing valid reasons for the same. The shipper shall thereafter ensure that the required penalties and gas reconciliation differences are paid to the authorized entity before reinstating the supply of gas. Further, the shipper shall contribute in proportion to its share of gas supplies in the network of authorized entity for gas loss due to third party damage.

6.0 Service obligations.

(1) Metering.

The rights, interests, covenants, and obligations of shipper and authorized entity in respect of the measurement and analysis of gas transported in city or local natural gas distribution network by authorized entity shall be as set out in authorized entities code of practice for metering in accordance with regulation 6 of the Petroleum and Natural Gas Regulatory Board (Code of Practice for Quality of Service for City or Local Natural Gas Distribution Networks) Regulations, 2010.

The authorized entity shall provide metering facilities at entry point at the cost of shipper or as agreed in the access arrangement. The measuring equipment shall be installed and maintained by authorized entity to measure the quantity of gas-

- (a) received into city or local natural gas distribution network at each entry point; and
- (b) delivered through each exit point.

Authorized entity shall make provisions for measurement of quality of gas at each entry point or use the facility provided by the upstream pipeline service provider or gas supplier and in case of any dispute on the quality of gas at the exit point, measure the same through a mutually acceptable methodology. In case of any fault in the meter of authorized entity, the expenses on this account shall be borne by the authorized entity and in case no fault is found in the meter, the expenses shall be borne by the shipper. The design of the metering facility shall comply with all applicable laws and regulations as well as with authorized entity's Code of Practice for Metering and as specified in Petroleum and Natural Gas Regulatory Board (Technical Standards and Specifications including Safety Standards for City or Local Natural Gas Distribution Networks) Regulations, 2008.

(2) Alternative Ownership of measuring equipment.

Alternative ownership of the measuring equipment, if required, shall be mutually agreed between authorized entity and the shipper in the access arrangement.

(3) Validation and calibration.

The process and procedure of the validation and calibration to be carried out on the measuring equipment shall be in accordance with the authorized entity's code of practice for metering and complying with regulations on technical standards.

The party responsible for the operation and maintenance of measuring equipment shall at their own expense-

- (a) validate said measuring equipment; and
- (b) calibrate said measuring equipment as and when deemed necessary and as may be prescribed in authorized entity's code of practice for metering.

Authorized entity may, where necessary, undertake additional checks on the measuring equipment owned by shippers.

When carrying out validation or calibration, as the case may be, on its measuring equipment, authorized entity shall invite relevant shippers to witness the process. However, such validation or calibration shall not be stopped or withheld or postponed due to non-availability of the shipper.

In the event there is a dispute on the result of the validation of measuring equipment, the disputing party shall notify the other party within seven days from the date of validation.

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Authorized entity may instruct an independent expert to verify the validation. If the expert finds the validation to be accurate, then, the disputing party shall bear the cost of said validation and the cost of the independent expert. In case, the validation of measuring equipment is found inaccurate, the authorized entity shall not only bear the entire cost of the exercise but shall also compensate the shipper towards losses (to the extent of error from the date of dispute), if any, arising due to faulty measurement in the following billing cycle.

(4) Operation and maintenance of the measuring equipment.

Entity owning the measuring instrument shall be responsible for the operation and maintenance of all measuring equipment in accordance with the code of practice for metering of the authorized entity and complying with technical standards. However, in case of entry point and in case of industrial and commercial customers, wherein the cost of measuring equipment is borne by the shipper, the authorized entity shall charge for the installation, operation and maintenance (including necessary replacements if any) of the measurement facility as per mutual agreement.

7.0 Gas quality.

(1) Gas specification and pressure.

All gas delivered or to be delivered by shipper at entry point for distribution through city or local natural gas distribution network by authorized entity shall conform to gas parameters as per regulations and as well as range of gas composition as declared by authorized entity.

All gas entering city or local natural gas distribution network shall be within the range of CGD operating pressure and temperature for it to flow in city or local natural gas distribution network. The entry pressure and temperature at all entry point shall be the mutually agreed between the shipper and the authorized entity.

(2) Off-specification gas.

In the event that gas to be delivered at any entry point does not comply with gas specification (off-specification gas), shipper shall inform authorized entity promptly of a deviation from gas specification.

Authorized entity shall have the right to refuse off-specification gas at entry point, but otherwise may accept such off-specification gas.

If gas received at entry point is off-specification gas, authorized entity shall have the right to suspend (completely or partially) receipt of gas from shipper with immediate effect until authorized entity is satisfied that gas which shipper is able to deliver to city or local natural gas distribution network is within gas specification.

Notwithstanding the above, in the event off-specification gas has entered into city or local natural gas distribution network, authorized entity may make enquiries to shipper as to whether the shipper or its end-user and customer is willing to accept the off-specification gas.

Shipper shall use reasonable endeavor to accept but otherwise may refuse to take delivery of off-specification gas at exit point.

Authorized entity may dispose of off-specification gas that has entered into city or local natural gas distribution network if it is unsafe for the integrity of the network, in a manner deemed fit by authorized entity, in order to protect city or local natural gas distribution network and other facilities.

The cost incurred to manage the off-specification gas shall be borne by shipper who injected such gas into city or local natural gas distribution network. The off-specification gas charges so determined by the authorized entity shall be cost neutral.

8.0 System integrity, discipline and grid management.

(1) Nomination.

Shipper shall notify authorized entity of quantities of gas which shipper intends to deliver at each entry point and receive at each exit point of the city or local natural gas distribution network on a day (D).

Shipper may also re-submit nomination on the day, in case, there be any changes to shipper's gas delivery requirements (intra-day nomination) and the same may be considered by the authorized entity on reasonable endeavour basis.

Shipper shall comply with detailed nomination procedure which is provided for in the access arrangement. A nomination shall-

1. specify day or days to which it relates;
2. specify nominated quantity;
3. identify the end-user which shall off-take the corresponding quantity of gas from the city or local natural gas distribution network; and
4. specify the entry point and exit point.

The table below illustrates the proposed daily nomination timeline under the access arrangement.

Day	Time	Nomination schedule	Remarks
D-1	1000 hrs	Deadline for initial nomination for day D	
D	0600 hrs	Start of balancing period (between D+1 and D)	
D+1	0600 hrs	End of balancing period	

In addition to the above, shipper needs to provide annual estimates and weekly nomination in line with authorized entity's operating practice.

In the long term, the nomination process shall be as flexible for shippers as is physically possible. There shall be a balance in the principle of flexibility against the cost of introducing new nomination procedures (both in terms of initial systems and set-up costs and any increase in on-going administrative costs or complexity).

(2) Allocation and scheduling.

Allocation is a mathematical arrangement whereby authorized entity allocates capacity to each shipper in a CGD or local natural gas distribution network to transport natural gas from a single or a combination of entry point to a single or combination of exit points and schedule the proper share of the quantity of gas measured from the relevant entry point or exit point.

(a) Allocation process.

Authorized entity shall allocate entry point capacity and exit point capacity among shippers measured in Million British Thermal Unit (MMBTU).

(b) Scheduling process.

Authorized entity shall allocate entry point quantities, based on the actual quantity of gas received at the entry point for the shipper and exit point quantities, among shippers after actual gas transport day.

Shipper acknowledges that receipt of gas at entry point or delivery of gas at exit point may not exactly match the nomination or intra-day nomination made in respect of it and consequently under deliveries and over deliveries of gas may occur.

All of entry quantity at entry point and exit quantity at each exit point shall be allocated to shippers regardless of the reason for any such under deliveries or over deliveries with respect to nominations.

(c) Allocation and scheduling data.

Authorized entity shall process the data and inform shipper of shippers' allocated quantity including overrun, variance and imbalance. Authorized entity shall not disclose such data to other shippers.

Under normal operations, the allocated data shall be based on confirmed nomination, but when capacity curtailment occurs, the allocated data shall be based on the confirmed curtailment quantity imposed by authorized entity.

Authorized entity shall make available the data to relevant shipper on a daily basis.

(d) Calculation of scheduled quantity.

Scheduled exit quantity shall be calculated by authorized entity in accordance with the calculation as set out below, where -

$$S = Q \times (N/A)$$

S = quantity of gas allocated to a shipper on the day at exit point;

Q = aggregate quantity of gas delivered at exit point on the day;

N = shipper's nominated quantity on the day at exit point;

A = aggregate of all shippers' nominations on the day at exit point.

Whereas the scheduled entry point quantity calculated by the authorized entity shall be the quantity of actual gas received for the shipper.

(3) Overruns.

(a) Overruns philosophy and principles.

An overrun occurs when a shipper takes gas transportation quantities in excess of scheduled capacity. All overruns shall be treated as unauthorized and attract unauthorized overrun charges.

Overruns may be authorized in advance if they cause no operational constraints for the authorized entity, e.g. if a shipper requested excess gas transportation quantities for a day, the authorized entity shall authorize the shipper to take such quantities if sufficient capacity were available.

The price of transporting the authorized overrun quantity shall be set beforehand at a rate that shall be -

- (a) high enough, but not more than one point five times the regulated applicable charges so that shippers are not incentivized to rely on overrun service, rather than contracting for firm transmission service; but
- (b) not so high as to be economically inefficient.

The above shall be applied on a uniform, transparent and non discriminatory basis by the authorized entity.

However, unauthorized overruns shall carry unauthorized overrun charges. Penalizing shippers that flow an unauthorized overrun helps to ensure that the market for capacity rights is not disrupted by routine violation of transportation rights.

Capacity overruns, whether authorized or unauthorized, shall in general be discouraged because -

- (i) the ability to obtain capacity at short notice from the authorized entity at non penal prices shall tend to undermine the value of holding firm capacity rights; and
- (ii) overruns may impose costs, and, therefore, shippers shall not rely on the use of overruns.

Following principles need to be followed between authorized entity and shippers, namely:-

- (a) no charges upto overrun of five per cent. of the allocated quantity;
- (b) unauthorized capacity overruns attract a significant charges;
- (c) when there is spare physical capacity on the network, capacity overruns are authorized by the authorized entity (so long as it imposes no operational constraints and is on best endeavor basis) for a period of one day at a time;
- (d) capacity overruns shall not be authorized when there is a shortage of physical capacity; and
- (e) authorised capacity overruns are priced so as to discourage shippers from persistently seeking authorization rather than purchasing capacity in secondary market when such trading is allowed through regulations in future.

(b) Unauthorized overrun charges.

Shipper must ensure that quantities of gas received at entry point and delivered at exit point in any day do not exceed the maximum daily quantity of the transportation path.

Unauthorized Overrun charges = unauthorized overrun quantity x unauthorized overrun rate

Unauthorized overrun rate = two hundred per cent. x applicable charge

Unauthorized overrun charges shall be calculated independently for each entry and exit point and aggregated.

(4) Balancing.**(a) Balancing principles.**

An imbalance arises whenever a shipper's deliveries at the entry point in any balancing period differ from the off-takes of the customers that the shipper serves at the exit point. This may occur either because demand is higher or lower than expected or because deliveries are higher or lower than expected, or both. Clear objective and efficient arrangements to address imbalances are required.

(b) Imbalance charges.

- (i) As specified in sub-regulation (6) of regulation 15 of the CGD Access Code, the imbalance charges payable by the shipper for any particular day shall be equal to the product of the cumulative imbalance quantity calculated as stipulated in sub-regulation (4) of that regulation and the imbalance rates specified in the access arrangement.
- (ii) As specified in sub-regulation (7) of regulation 15 of the CGD Access Code, the daily imbalance gas quantities shall be settled between the shipper and the authorized entity every fortnight considering actual daily metered amounts for industrial, commercial and transport segments and assuming a mutually agreed daily consumption quantity of gas for domestic segment; the methodology for the settlement shall be specified in the access arrangement. The reconciliation with actual metered quantity for the domestic segment shall be as agreed in the access arrangement between the shipper and the authorized entity.
- (iii) Imbalance charge is calculated on the allocated quantity by applying the percentages as specified in sub-regulation (5) of regulation 15 of the CGD Access Code on the following formula:

Daily Imbalance charge = cumulative imbalance quantity x imbalance rate

wherein, cumulative imbalance quantity = cumulative imbalance at the end of a day as specified in sub-regulation (4) of regulation 15 of the CGD Access Code.

(c) Imbalance rate.

- (i) The negative imbalance rate.

The negative imbalance quantities in excess of percentages as specified in sub-regulation (5) of regulation 15 of the CGD Access Code shall be calculated at the rate of one hundred twenty per cent. of the highest cost of gas in the authorized entities network on the day of imbalance occurrence:

Provided for the negative imbalance quantities upto the percentages as specified in sub-regulation (5) of regulation 15 of the CGD Access Code shall be set-off as per provisions of curing specified in sub-regulation (5) of regulation 15 of that code.

- (ii) The positive imbalance rate.

The positive imbalance quantities in excess of percentages as specified in sub-regulation (5) of regulation 15 of the CGD Access Code shall be calculated at the rate one hundred per cent. of the lowest cost of gas in the authorized entities network on the day of imbalance occurrence:

Provided that the positive imbalance quantities upto the percentages as specified in sub-regulation (5) of regulation 15 of the CGD Access Code shall be set-off as per the provisions of curing specified in sub-regulation (5) of regulation 15 of that regulation.

(d) Variance charges.

The variance charges are the charges against the deviations in hourly delivery schedule rate of gas.

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Allowable limits with respect to the variance and the corresponding charges shall be paid by the shipper to the authorized entity as per the mutually agreed terms and conditions and rates.

9.0 Statutory levies.

All statutory levies incurred by the authorized entity during the provision of any service for shipper shall be borne by the shipper.

10.0 Other charges.

(a) Authorized entity's shortfall charges.

The authorized entity shall pay adequate compensation to the shipper in case the authorized entity is unable to provide capacity up to eighty per cent. of the nominated quantity calculated on a monthly basis unless there is a planned maintenance, breakdown, system or network failure, third party damage, force majeure or an emergency or any other issues as specified in the access arrangement between the shipper and authorized entity.

The compensation shall be equivalent to a minimum of twenty per cent. of the applicable charges or as mutually agreed between the shipper and the authorized entity.

The total liability of the authorized entity shall be capped as per other provisions of these guidelines.

(b) Shippers' other charges.

The shipper shall reimburse and supply to the authorized entity the cost of gas for the gas which is either lost or used and is not covered under the definition of system use gas and lost and unaccounted for gas.

11.0 Invoicing and payment.

(a) Submission of invoice.

Authorized entity shall, as soon as reasonably practicable and in any event not later than seven days after the end of the billing period, submit an invoice to each shipper for the service rendered.

(b) Payment instructions.

Parties shall notify each other of the account number, the name, address and other necessary payment details of the bank account to which payments are to be made by such shipper to authorized entity within fourteen days after the effective date of access agreement or in the event of any change to such details not less than thirty days before such change is effective.

(c) Set-off.

Shipper shall pay in full all amounts due for payment by shipper to authorized entity and shall not make any set-off or deduction against any amounts.

Authorized entity may deduct or set-off from any amount due to shipper any amount owed by shipper to authorized entity.

(d) Full settlement of invoice.

Shipper shall settle the full amount of each invoice within four banking days following the date of receipt by shipper of the invoice. The invoice shall be sent by authorized entity through telefax and mail during the normal business hours and shall be deemed to have been received by shipper on the date of the dispatch of the telefax and mail.

(e) Adjustments to invoice.

Any adjustment to invoice as per billing cycle as agreed to between authorized entity and shipper shall be done by authorized entity or shipper through an issuance of debit note or credit note.

The credit note or debit note shall be sent by authorized entity or shipper through telefax and mail during normal business hours and shall be deemed to have been received by shipper within seven days of the date of the dispatch of the telefax and mail.

(f) Dispute.

If shipper wishes to raise dispute of any amount in an invoice or debit note or credit note, shipper shall first settle the full amount shown as payable by shipper on the due date irrespective of the fact that shipper intends to raise a dispute concerning the invoice or debit note or credit note.

Shipper may notify the dispute to authorized entity specifying -

- (i) the date and number of the invoice or debit note or credit note;
- (ii) the item in the invoice or debit note or credit note to which the dispute relates;
- (iii) an explanation of the basis on which the dispute is submitted; and
- (iv) the amount of the dispute.

Both parties shall notify any dispute to the other party within one month from the date of receipt of the relevant invoice or debit note or credit note. If no such notifications are made within the said one month, then, both parties are deemed to have waived all disputes arising from the said invoice or debit note or credit note. If the dispute settles in favour of shipper, authorized entity shall make the entire payment due to the shipper within seven days of the settlement of the dispute failing which interest at the rate of five per cent. above State Bank of India's base rate from the date of settlement on the sum of the shipper's claim or settled amount shall be applicable.

(g) Late payment penalty for invoice or debit note.

Where any amount payable under an invoice or debit note is not paid on or before the due date, the shipper shall pay interest at the rate of five per cent. above State Bank of India's base rate from the due date on the sum of the shipper's dues.

(h) Failure of payment.

If shipper fails to pay the invoice or debit note within seven days after payment is due, authorized entity shall have the right to suspend shipper's right to use services until shipper pays the invoice or debit note or terminate access agreement.

12.0 Communication.**(a) Introduction.**

A clear and well understood communication procedure is essential for parties to react in a timely manner especially in emergency situation in order to protect lives and properties and to minimize gas supply interruptions. This shall help to establish a good rapport and relationship as well as foster mutual understanding and co-operation between authorized entity and shippers in meeting mutual goal of ensuring the safe, reliable and efficient operations of city or local gas distribution network.

Authorized entity and shipper shall establish the communication protocol that shall guide authorized entity and shipper during normal and emergency situations. This protocol shall be adhered to at all times to ensure safe, reliable and efficient operations of the city or local gas distribution network.

(b) Gas management system.

Authorized entity may secure the establishment and operation of a web-based, gas management system (GMS) which provides for an electronic transfer of information between authorized entity and shipper.

Authorized entity and shipper may communicate with each other for the purposes of the daily operation and monitoring of city or local gas distribution network by means of GMS.

The information provided by authorized entity through GMS shall be limited only to the relevant shipper's portfolio.

Authorized entity may provide shipper with access and use of the following -

- (i) shipper's portfolio via GMS;
- (ii) software installed in respect of the GMS; and
- (iii) manuals or any materials provided by authorized entity in respect of the GMS.

13.0 Curtailment.**(a) Introduction.**

Authorized entity may deem it necessary to curtail services in city or local gas distribution network on a day in the event capacity to transport the total quantity of gas nominated by all shippers under the access arrangement is insufficient and such curtailment shall not have any financial implications on the authorized entity.

(b) Curtailment for force majeure.

Authorized entity may curtail provision of services to shipper if -

- (a) an event of force majeure occurs; and
- (b) as a result of the event of force majeure, the scheduled capacity of city or local gas distribution network is constrained so that authorized entity cannot transport the quantities of gas scheduled.
- (c) Curtailment for operational or safety reasons.

Authorized entity may curtail deliveries to shipper if it considers, in its discretion, it is necessary doing so -

- (i) for maintenance, replacement, installation or repair of city or local gas distribution network or associated facilities including entry point and exit point, interconnections, and district pressure regulating stations (DPRS);
- (ii) because of damage to, or an outage on, a city or local gas distribution network segment or associated facility used to provide services to shipper giving rise to the need to curtail.

(d) Curtailment for emergency.

Authorized entity may curtail deliveries to shipper if it considers, at its discretion, it is necessary to do so by reason of emergency, giving rise to the need to curtail.

The existence of an emergency shall be determined by authorized entity irrespective of the cause of emergency or whether authorized entity or any other person may have caused or contributed to the said emergency.

The procedures applicable in the event of emergency shall be set out in the access arrangement and communication protocol agreed between the parties.

(e) Priority of services for curtailment.

Authorized entity may curtail the provision of services to shipper to meet its obligations to other shippers. Curtailment shall be in accordance with the provisions of the CGD Access Code and other notified regulations.

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