

**GOVERNMENT OF INDIA
PETROLEUM AND NATURAL GAS
LOK SABHA**

UNSTARRED QUESTION NO:2156
ANSWERED ON:09.03.2006
ILLEGAL CANCELLATION OF NOC
Chowdhury Shri Adhir Ranjan

Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

:

- (a): whether the Government of Haryana had sought one month time for submitting the details on the subject of illegal cancellation of NOC of running petrol pumps in Haryana;
- (b): if so, whether the Government has received the final reply from the Government of Haryana;
- (c): if so, the details thereof; and
- (d): if not, the action taken/proposed to be taken by the Government in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF PETROLEUM & NATURAL GAS (SHRI DINSHA PATEL)

- (a): Yes, Sir. With regard to the notice for a question that was proposed to be asked in this House on 8.12.2005, regarding alleged illegal cancellation of `no objection certificates` (NOCs), issued for operation of retail outlet dealership (petrol pumps) in the State of Haryana, the Government of Haryana had sought for one month's time for collection and compilation of requisite information.
- (b): Yes, Sir. A reply has now been received from the Government of Haryana.
- (c): Information as furnished by the Government of Haryana is given in the statement annexed.
- (d): Does not arise.

Statement referred to in reply to part (c) of the Lok Sabha Unstarred Question No.2156 to be answered on 9.3.2006 regarding illegal cancellation of NOC, by Shri Adhir Chowdhury.

Information furnished by the Government of Haryana with regard to alleged illegal cancellation of no objection certificates issued for running of retail outlets (petrol pumps) in the State of Haryana.

(a) Representation from Haryana Petroleum Dealer's Association regarding illegal cancellation of `no objection certificates` (NOCs) for running petrol pumps in the State of Haryana was received.

(b) In terms of the Petroleum Rules, 2002, an NOC granted under the Rule shall be liable to be cancelled by the District Authority or the State Government, if the District Authority or the State Government is satisfied that the licensee has ceased to have any right to use the site for storing petroleum; provided that before cancelling the NOC, the licensee shall be given a reasonable opportunity of being heard. Further, a District Authority or a State Government cancelling an NOC shall record, in writing, the reasons for such cancellation and shall immediately furnish to the licensee and to the licensing authority concerned, copy of the order cancelling the NOC.

(c) Show Cause Notices have been issued by the District Magistrates concerned in 572 cases to such petrol pumps where permission from the forest department was not obtained. In addition, the District Magistrate, Kaithal suspended 18 NOCs for petrol pumps out of which in one case the Hon'ble Punjab and Haryana High Court has quashed the suspension order passed by the District Magistrate, Kaithal and one case is pending in appeal before the competent authority. In two other cases, NOCs for petrol pumps have been withdrawn by the District Magistrate, Kaithal, out of which one case is pending in appeal before the competent authority.

(d) Rule 6 of the Forest (Conservation) Rules, 2004 prescribes a maximum period of 90 days for the State Government for processing the cases under the Forest Conservation Act, 1980 and 60 days for the Central Government to grant approval, but the said rules have been stayed by the Hon'ble Supreme Court of India in their order dated 23.2.2004. Once the public sector undertaking/user agency submits complete case in the office of the District Forest Officer concerned, it is usually processed within a month and then it takes above 4 to 6 weeks to process the case at the level of the Forest Department / State Government and another 3 to 4 weeks with the Government of India.

(e) A total of 832 proposals from the oil companies/user agencies are in process at various levels for permission under the Forest Conservation Act, 1980. In about 600 of these proposals, oil companies/user agencies have been asked to complete the requisite documents and to submit the complete cases. In about 120 proposals, violation of the said Act has been made by the user agencies

by either starting the petrol pumps or by way of construction of buildings. A policy is being framed by the Government to take decision in such cases for violation of the said Act by the oil companies/ user agencies.

(f) Under Section 2 of the Forest Conservation Act, 1980, no forest land can be diverted for any non-forestry purpose without prior approval of the Central Government. The oil companies /user agencies shall, therefore, obtain necessary clearance before installing any petrol pump or starting construction of the building. However, cases of violation have come to the notice of the State Government and in order to deal with such cases, suitable policy guidelines are being framed by the Government.