

GOVERNMENT OF INDIA
Ministry of Road Transport & Highways
(Planning Zone)

Parivahan Bhawan;
1, Sansad Marg,
New Delhi-110001

No. NH-14019/13/2006-P&M (Part-I)

Dated the 14th May, 2012

OFFICE MEMORANDUM

Sub: Minutes of the Meeting of the Committee to consider minor deviation in respect of retail outlets held on 20.04.2012 - reg.

The Minutes of the Meeting of Committee to consider minor deviation in respect of retail outlets held on 20.04.2012 are enclosed herewith for information and necessary follow up action.

2. Compliance report wherever required may kindly be forwarded to this Ministry.

Encl. - As above.


(R. K. Pandey)
Chief Engineer (Planning)
Tele-fax: 011-23739085

To,

1. Chairman, National Highways Authority of India, G-5&6, Sector-10, Dwarka, New Delhi-110075, Fax No. - 25093505.
2. CE(P-1)/CE(P-2)/CE(P-3)/CE(P-4)/CE(P-5)/CE(P-6)/CE(P-7)/CE(P-8)/CE[SR&T(R)]
3. Joint Secretary (M), M/o Petroleum & Natural Gas, Shastri Bhawan, New Delhi-110001, Fax No.- 23383100.

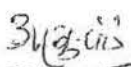
Copy to the representatives of Oil Companies: -

1. Director (M) - M/s Bharat Petroleum Corporation Ltd., ECE House, 28-A, Kasturba Gandhi Marg, New Delhi-110001, Fax No. - 022-22161710 / 23312078.
2. Director (M) - M/s Indian Oil Corporation, Ltd., Indian Oil Bhawan, G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai-400 051, Fax No.- 022-26449975.
3. Director (M) - M/s Hindustan Petroleum Corpn. Ltd., 8, S.V.Marg, Ballard Estate, Mumbai - 400 001, Fax No. - 022-22704302.

Copy for information & necessary action to:-

1. PS to Minister (RT&H)
2. PS to MOS(J) (RT&H)
3. PS to MOS(T) (RT&H)
4. Sr. PPS to Secretary (RT&H)
5. PPS to DG(RD)&SS
6. PPS to SS&FA

The minutes may not be considered as an approval and it is requested that the individual case may be put up in the respective file dealing with the case for the approval of the Competent Authority.


(R. K. Pandey)
Chief Engineer (Planning)

Minutes of the Meeting of the Committee held on 20.04.2012 at 11:00 A.M. in Conference Hall (Ground Floor) in Transport Bhawan, New-Delhi to discuss the cases of minor deviations for the Retail Outlets.

List of participants is at Annexure-I.

2. At the outset, DG(RD)&SS welcomed the participants. He enquired from the representatives of the oil companies about pendency of cases for a long period. None of them responded to this.

3. The minutes of the meeting held on 14.02.2012, circulated vide this Ministry's OM No. NH-14019/13/2006-P&M (Part-I), dated 24.02.2012, were confirmed.

4. After detailed deliberation the following decisions were taken during meeting:-

4.1. Status of cases recommended by the Committee during the last meeting held on 14.02.2012 was reviewed. It was noted that the progress in some cases is not satisfactory. Such cases will be reviewed again by DG(RD)&SS. It was also noted that in a few cases, proposals have been held up for want of few documents. This could not be appreciated. It was clarified that no case without all proper documents be placed before the Committee.

[Action: All Project zone CEs]

4.2. It was further clarified that as a policy, cases are being processed on first-come-first-serve basis and violation, if any, may be brought to the notice of the Ministry.

[Action: All Oil Companies]

4.3. The issue of provision of drinking water and toilet facilities in the retail outlets was discussed. The representatives of the oil companies intimated that as per the policy of Ministry of Petroleum and Natural Gas, all the retail outlets are supposed to have free drinking water and toilet facilities. However, the number and size varies based on the type of retail outlet. It was decided to ensure that all the retail outlets are provided with such facilities and this would be accessible to public round the clock. To inform public about this, a display board showing location of such facilities be installed before entry to the retail outlet. The representatives of Oil Companies assured that this will be implemented prior to energizing the new retail outlets. However, for the existing retail outlets not having the above facilities, oil companies indicated that they will ensure that they are provided with such facilities within the next four months. It was decided to make necessary change to this effect in the license deed.

[Action: All the Oil Companies and CE(PL)]

4.4. Some discrepancies with regards to size of plot and length of buffer strip in hilly region were brought out during the meeting and prima facie, it appears to be correct. Accordingly, it was decided that a clarification to this effect would be issued.

[Action: CE (PL)]

4.5. It was observed that some of the cases placed before the Committee proposed entry and exit to the retail outlet from service road. It was decided that such cases may not be put up to the Committee for relaxation and may be dealt as a normal case. A clarification in this regard will be issued by the Planning zone.

[Action: CE (PL)]

4.6. The provision of penalty to regularize the existing retail outlets, for which prior access permission has not been obtained from the Ministry, was also discussed. In order to regularize such retail outlets, it was decided that uniform penalty may be imposed to those retail outlets which have been constructed as per Ministry's norms in all respect, as per the following:-

- a) Within Municipal region with population > 20 lakh – Penalty of ₹ 10.00 lakh
- b) Within Municipal region with population 10 lakh to 20 lakh – Penalty of ₹ 5.00 lakh
- c) In all other cases – Penalty of ₹ 3.00 lakh

[Action: All Project Zone CEs]

5. The cases recommended for relaxation of the deviation from the prescribed norms were taken up one by one. The concerned Project Zone Chief Engineers presented the case indicating deviations along with the justification for proposing the relaxations. These were discussed in detail. A statement showing the locations of these retail outlets, name of the Oil Company, the deviations, justification for relaxation, if recommended, and the decisions taken on these cases are at **Annexure-II**.

[Action: Concerned Project Zone CEs and concerned Oil Companies]

6. The relaxations recommended and the reasons for recommending the relaxations are not to be cited as precedents for future and other cases.

The meeting ended with a Vote of Thanks to the Chair.

Annexure-I

List of Participants in the Meeting of the Committee held on 20.04.2012 at 11:00 A.M. in Conference Hall (Ground Floor) in Parivahan Bhawan, New Delhi to discuss the cases of minor deviations for Retail Outlets.

I. Officers from Ministry of Road Transport & Highways:-

- | | | | |
|---------------------------|---|---------------------|----------|
| 1. Shri A. K. Upadhyay | - | Secretary (RT&H) | In Chair |
| 2. Shri C. Kandasamy | - | DG (RD)&SS | |
| 3. Shri Chaman Lal | - | CE (P-1) | |
| 4. Shri K. C. Varkeyachan | - | CE (P-4) | |
| 5. Shri P. Halder | - | CE (P-5) | |
| 6. Shri Verinder Kaul | - | CE (P-6) | |
| 7. Shri Y. Balakrishna | - | CE (P-7) | |
| 8. Shri Sunil Kr. Verma | - | CE (P-8 & SARDP-NE) | |
| 9. Shri Satish Kumar | - | CE {SR&T(Roads)} | |
| 10. Shri R. K. Pandey | - | CE (Planning) | |
| 11. Dr. A. R. Goyal | - | Dir. (Fin.) | |
| 12. Shri Sanjeev Kumar | - | SE (P-1) | |
| 13. Shri T. T. Negi | - | SE (P-2) | |
| 14. Miss Richa Nigam | - | SE (P-3) | |
| 15. Shri R. Ellavarason | - | SE(P-4)-II | |
| 16. Shri D. K. Mohapatra | - | SE (P-7)-I | |
| 17. Shri Samiran Saha | - | AEE (Planning)-I | |

II. Representatives from the Oil Companies:-

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|--|---|---------------------|
| 1. Shri Sandeep Sharma, Chief Manager (Retail Sales) | - | M/s IOCL, Mumbai |
| 2. Shri M.S. Parmar, Chief Manager (Highway Retailing) | - | M/s BPCL, New Delhi |
| 3. Shri Sandeep Goyal Sr. Manager (Highway Retailing) | - | M/s HPCL, Mumbai |

Annexure-II

**LIST OF CASES (RETAIL OUTLETS) INVOLVING MINOR DEVIATIONS CONSIDERED IN THE MEETING
HELD ON 20.04.2012**

Sl. No.	State	NH No.	Chainage (km)	Name of the Oil Company	Deviation	Justification & Decision
1	Tamil Nadu	67	237.859 to 237.904 (LHS) (Karur District)	M/s HPCL	Existence of an intersection with a rural road of carriageway width more than 3.5 m at a distance of 239 m as against minimum requirement of 300 m.	The case was deferred till submission of detail videography of the NH stretch for both the directions by the concerned oil company.
2	Haryana	71	259.700 (RHS) (Jind District)	M/s BPCL	(i) Existence of a cross road at a distance of 70 m as against minimum requirement of 100 m. (ii) Plot size is (34.14 m × 17.68 m + 7 m × 10.55) m as against minimum requirement of 20 m × 20 m.	The cross road was constructed in 1971 after 5 years of installation of the retail outlet (i.e. in 1966). The total area is 676 sqm., which is more than 400 sqm. Accordingly, the case was recommended for relaxation .
3	Himachal Pradesh	22	327.685 (RHS) (Kinnaur District)	M/s IOCL	Length of buffer strip 5 m as against minimum requirement of 12 m in case of non-urban area.	The Committee opined that this is not a case for relaxation and Project zone may process it as a normal case.
4	Rajasthan	79	204.915 (RHS) (Chhittorgarh District)	M/s HPCL	The existing retail outlet was constructed without Ministry's prior approval.	As the case conforms to the Ministry's norms but was constructed without Ministry's prior permission, it was recommended for relaxation subject to payment of penalty of Rs. 3 (three) lakh by the oil company in addition to license fee of Rs. 1.00 (one) lakh.
5	Bihar	84	62.300 (RHS) (Buxar District)	M/s IOCL	Existence of a rural road of carriageway width of 5.0 m at a distance of 233 m as against minimum requirement of 300 m.	The existing rural road is found to be almost abandoned and having practically no traffic. Accordingly, the case was recommended for relaxation .
6	Maharashtra	222	61.971 (RHS) (Thane District)	M/s HPCL	Existence of an intersection with a road (3.5 m wide ODR) exactly opposite to the proposed retail outlet as against minimum requirement of 100 m.	The case was deferred and the Committee suggested either to shift the location of the proposed retail outlet to a new location satisfying Ministry's norms or modify the proposal with entry and exit to the proposed retail outlet through service road of 100 m length on both side along with the provision of steel railing in between NH and the cost of which is to be born by the concerned oil company.

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Sl. No.	State	NH No.	Chainage (km)	Name of the Oil Company	Deviation	Justification & Decision
7	Tamil Nadu	7	316.160 (RHS) (Karur District)	M/s BPCL	Existence of an earthen road of width less than 3.5 m at a distance of 39 m as against minimum requirement of 100 m.	The Oil Company has proposed to construct 7 m wide service road from km 316.254 to 316.128 at their own cost so that traffic movement on the main carriageway will not get affected. Further to mention that this earthen road leads to private layout and there is no movement of vehicles except one or two in a day. Keeping in view of these facts, the case was recommended for relaxation subject to the condition that the concerned oil company would construct 7.0 m wide service road of appropriate length at their own cost.
8	Tamil Nadu	227	47.812 to 47.857 (LHS) (Ariyalur District)	M/s IOCL	Existence of an intersection with NH/SH/MDR at a distance of 800 m as against minimum requirement of 1,000 m.	Realignment is proposed from km 45.400 to 49.000 of NH-227 and the proposed retail outlet will be located at km 47.812 to 47.857 along the existing road after completion of the proposed widening and improvement of NH-227. The case was deferred and the concerned oil company was requested to come with the detailed videography of the NH stretch for both directions and details of road safety measures.
9	Rajasthan	79	193.067 (RHS) (Chittorgarh District)	M/s IOCL	(i) Existence of an another retail outlet at a distance of 90 m (on same side) as against minimum requirement of 1,000 m. (ii) The company in addition to license fee of Rs. 1.00 (one) lakh retail outlet is in operation without Ministry's prior permission.	The case was recommended for relaxation subject to payment of penalty of Rs. 3 (three) lakh by the oil company in addition to license fee of Rs. 1.00 (one) lakh and construction of 7.0 m wide service road of appropriate length at their own cost, satisfying Ministry's norms for clustering of retail outlets.
10	Rajasthan	79	220.853 to 220.921 (LHS) (Chittorgarh District)	M/s IOCL	(i) Existence of an another retail outlet at a distance of 201.44 m (on the same side) as against the minimum requirement of 300 m. (ii) The retail outlet is in operation since February, 2003 without Ministry's prior permission.	During the last meeting of the Committee held on 14.02.2012, it was reported that NH-79 is being widened to 4-lane under NHDP- IVA through the State PWD. As per the decision taken during that meeting the case was recommended for relaxation by circulation for the deviation mentioned at sl. no. (i). However, keeping in view the deviation mentioned at sl. no. (ii), brought out subsequently, the case was recommended for relaxation subject to payment of a penalty of Rs. 3 (three) lakh by the oil company in addition to license fee of Rs. 1.00 (one) lakh.
11	Karnataka	7	518.945 (LHS) (Bangalore Rural District)	M/s HPCL	The size of the plot is 48 m (frontage) × 37.5 m towards Hyderabad side and 37.71 m towards Bangalore side (depth) as against minimum requirement of 35 m × 45 m.	Since, the total area of the plot is 1,805 sqm. as against minimum requirement 1,575 sqm and the frontage is much more than the required, the case was recommended for relaxation .

Sl. No.	State	NH No.	Chainage (km)	Name of the Oil Company	Deviation	Justification & Decision
12	Rajasthan	65	82.270 to 82.305 (LHS) (Nagaur District)	M/s BPCL	Existence of an intersecting road (825 m long) on the opposite side of the proposed retail of 825 m only and leads to a village Janta Colony and ends outlet, at a distance of 153 m as against there, which is being used by habitants of the Colony and minimum requirement of 300 m.	It is mentioned that the intersecting road is having a length only LCV/HCV are plying and therefore, this road does not pose any threat to road safety. Keeping in view of these facts, the case was recommended for relaxation.