

Kerosene (Restriction on Use and Fixation of Ceiling Price) (amendment) Order,
1995.



The Gazette of India

EXTRAORDINARY

PART II -- Section 3 -- Sub-section(i)
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MINISTRY OF PETROLEUM AND NATURAL GAS

NOTIFICATION

New Delhi, the 19th June, 1995

G.S.R 509 (E) - In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order to amend the Kerosene (Restriction on Use and Fixation of Ceiling Price), Order, 1993, namely:

1. (1) This Order may be called the Kerosene (Restriction on Use and Fixation of Ceiling Price) (amendment) Order, 1995.

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

2. In the Kerosene (Restriction on Use and Fixation of Ceiling Price) Order, 1993, -

(i) after clause 7 and the entries relating thereto, the following clause and the entries shall be inserted, namely :-

"7 A-Assessment and Certification/Rating of parallel marketers:-

(1) (a) No parallel marketer, shall commence any activity such as import, transport, marketing distribution, sale or any activity incidental thereto, relating to the business of Kerosene without obtaining a rating certificate on the basis of evaluation and rating for

his capability, infrastructure network and readiness to carry out professed business and deliver goods and services promised by and agency listed in Schedule:-A to this Order ;

Provided that a parallel marketeer who commences any such activity, before the commencement of this Order, shall within three months, get himself evaluated and rated by the said agency.

(b) The rating certificate shall be issued in the format as prescribed in Schedule-B to this Order and as per the following letter given in Schedule-C.

(c) The rating certificate shall,-

(i) be valid for a period of one year from the date of its issue, and

(ii) require renewal by the rating agency, annually.

(2) Every parallel marketeer announcing details of his activity or inviting offers of any kind in the field of import, transport, marketing, distribution or sale of Kerosene, either in a newspaper, handout, pamphlet, leafier or by any other means of communication or advertising shall indicate the rating awarded to him and prominently publish the rating certificate, as given by the rating agency.

(3) There shall be paid, in respect of every application, to a rating agency,-

(i) for the rating certificate awarded to the parallel marketeer, a fee at the rate of 0.05 percent of the project cost, subject to a minimum of rupees fifty thousand and maximum of rupees ten lakhs, and

(ii) for the renewal of the rating certificate by the parallel marketeer, a fee of one tenth of that required to be paid for such a certificate.

(4) The agency listed for the purpose of evaluation shall on payment of the fee by the parallel marketeer, evaluate every parallel marketeer whose case is either referred to it or who approaches it, on the basis of, inter-alia, the parameters indicated and the information to be provided by such parallel marketeer in the proforma as given in schedule-D to this Order and such other information as called for by the rating agency.

(5) Every parallel marketeer shall file a certified true copy of the certificate of rating with the Ministry of Petroleum and Natural Gas, Oil Coordination Committee, Ministry of Food and Civil Supplies of the Central and the State Government and the Collector of the District in which he imports, transports markets, distributes or sells Kerosene. All letter-heads or communications of parallel marketeer shall have the following description of rating :

(i) Name of the rating agency,

(ii) Rating awarded to him, and

(iii) Date of Issue.

(6) No parallel marketer shall either give incomplete, incorrect, misleading or vague information in the newspaper, handout, pamphlet, leaflet, advertisement etc. or submit such information to the rating agency",

(ii) after clause 12 and the entries relating thereto, the following Schedules and the entries shall be added, namely :-

SCHEDULE - A

[clause 7A(1)(a)]

Name and address of agencies for evaluation/rating of Parallel Marketeer

SL. NO.	NAME	ADDRESS
1.	CRISIL (The Credit Rating Information Services of India Ltd.)	Nirlon House, 2nd floor 254 B, Annie Besant Road Worli, Bombay-400025
2.	CARE (Credit Analysis & Research Ltd.)	RBC, Mahindra Towers 5th floor, Road No.13 Worli Bombay-400018
3.	MDRA (Marketing & Development Research Associates)	Secular House, 9/1 Institutional Area, Opp. JNU, New Delhi-67
4.	ICRA (Investment Information Credit Rating Agency of India Ltd.)	Kailash Building, 4th floor, 26, Kasturba Gandhi Marg New Delhi-1

SCHEDULE - B

(See clause 7A(1)(b) of Kerosene (Restriction on Use and Fixation of Ceiling Price) Order, 1993 Rating Certificate for Parallel Marketeer

Date of Issue:-

Name of the Firm/Company:

Registered Office Address:

Name of Promoter/Chairman/Managing Director:

Activities:

Particulars of Bankers

Overall Rating :

Rating Scale

1. Good
2. Satisfactory
3. Low Risk
4. High Risk

Signature and Seal of the
Rating Agency

SCHEDULE - C

[See clause 7A(1)(B)]

Forwarding Letter for Certificate of rating

To whomsoever it may concern

This is to certify that we have made an evaluation of M/s-----**-----
-----for the purpose of issuing a certificate and a rating to them in
accordance with the provisions of the Kerosene (Restriction on Use and Fixation of
Ceiling Price) Order, 1993.

We have obtained all the information and explanations which to the best of our
knowledge and belief were necessary for the purpose of issuing this certificate. This
certificate issued by us is as a result of our examination of the documents, records and
assessment of the information obtained by us and the evaluation of capability,
infrastructure, network and readiness, to carry out professed business, deliver goods and
services promised by the parallel marketeer. We are satisfied that the information and
particulars received and collected by us are sufficient enough to enable us to evaluate

M/s-----**-----for providing the rating as prescribed.

M/s-----**-----are awarded-----
rating.

Salient facts about M/s-----are as follows:-

1. Total investment planned.
2. Total investment made upto date.
3. Promoter's equity.
4. Area of operation.
5. Proposed/likely date of commissioning.

**Name of the Parallel marketeer to be indicated.

(Signature and Seal of the Rating Agency)

SCHEDULE - D

[See clause 7A(4)and (6)]

Proforma of information to be submitted by Parallel Marketeer for Evaluation/Rating by the Rating Agency

PARAMETERS

DETAILS*

1. Marekt Standing of the Company
 - A. Constitution of the firm
 - B. Registered Office
 - C. Locations & Addresses of Existing Businesses
 - D. Names of Promoters/Directors/Partners
 - E. Background and full antecedents of promoters/Directors/Partners

- F. Networth of Promoters/Directors/Partners
- G. Current Activity
- H. Details of existing operations of the Parallel Marketeer and/or his group of companies.
- I. Audited A/Cs. for three years of the promoter firm and group concerns with details of promoters constitution
- J. Working capital requirement for new business pertaining to Parallel Marketing with resume of proposed scheme.
- K. Implementation record of typical projects already undertaken, in terms of cost, time, nature of projects and technology involved.
- L. Business plans and projected cash flows
- M. Sourcing of funds for existing and proposed Business.
- N. Performance of Parallel Marketeer in his other group companies for last three years with income tax clearance certificate.
- 2. Marketing Plans for Kerosene:
 - 2.1 Infrastructure for Kerosene sourcing/Handling:
 - A. Import Locations Identified.
 - B. Proposed size of import parcels.
 - C. Status of approvals (ports/statutory/State Government/Chief Controller of Explosives environment/milestone achieved with squared network/local authorities).
 - D. Status of Progress.
 - E. Details of Technological tie ups, if any
 - F. Business proposals/project Feasibility report financial details and financial risk analysis.
 - 2.2 Commercial arrangements and/or consortium for kerosene (if own facilities are not planned)
 - A. Any tie up arrangement finalised with importer

- B. The supporting agreements/documents for such tie up
 - C. The quantum of product to be imported with minimum guarantee.
 - D. Details of Storage & Handling of product at the import location/tie up agreement.
 - E. Fall back arrangement to meet the shortfall in case the tie up arrangement does not materialise.
3. Storage & Distribution arrangement for kerosene planned:
- A. Details of Storage facilities of Depots with their capacities
 - B. Status of progress on items mentioned above
 - C. Plant & Equipment/Technological details
 - D. Details of manpower and the arrangement to handle the product
 - E. Details of designs & standards to be followed for construction & operation of these facilities
 - F. Status of approvals for the facilities
 - G. Whether Kerosene storage facility conforms to code regulations/conditions of storage license
4. Arrangements planned to reach the product to consumption Centers Markets:
- A. Details of distributor network planned/already appointed.
 - B. Details of the basis for distributors appointment.
 - C. Details of showroom/sales room/office & godown planned/existing alongwith status of approvals.
 - D. Details of manpower to be deployed at upcountry/near consumption centres for Kerosene.
 - E. Details of storage planned at upcountry/near the consumption centre for Kerosene.
 - F. Details of Distribution arrangement between the distributors godown and the customers.
5. Product Familiarity and Training:
- A. Operational knowledge of product (Kerosene) and its handling.
 - B. The capability and preparedness to meet the safety requirement in Kerosene.

- C. Plans for training the staff and the customers on safe handling of equipment/product.
 - D. recruitment policy and standards for the staff.
 - E. Familiarity with Kerosene Control Orders, Explosives Rules and other applicable local acts.
6. Marketing Discipline & distributors/transporter and delivery men.
- A. Code of conduct for distributors/transporter and delivery men.
 - B. System to monitor & control adulteration & unauthorised diversion of products.
7. Organisation in place/proposed for the parallel marketing of Kerosene:
- A. Details of Organisational Structure.
 - B. Level of managerial involvement of the promoter.
 - C. Source of financing the Kerosene parallel marketing including the infrastructure.
 - D. Any other relevant details which the parallel marketer would like to provide.
8. Financial commitment -
- A. Total estimated project cost.
 - B. Planned (phase-wise) resource monilisation.
 - C. Resources arranged and investment made as of date...
 - D. Proof of A,B & C above .

* Extra Sheets may be used if required.

Date-----

Signature-----

M/s-----

(Parallel Marketeer)

Address-----

Note:- The principal Order was published in the Gazette of India vide number GSR 584(E) dated the 2nd September, 1993.

(File No. P-45011/2/95-Mkt)

Devi Dayal, Jt. Secy.