

TWENTY SEVENTH REPORT
COMMITTEE ON PETITIONS

(FOURTEENTH LOK SABHA)

MINISTRY OF PETROLEUM AND
NATURAL GAS

(Presented to Lok Sabha on 8.5.2007)



LOK SABHA SECRETARIAT
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COMPOSITION OF THE COMMITTEE ON PETITIONS

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4. Shri N.S.V. Chitthan
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3. Shri A.K. Singh — *Director*
4. Shri U.B.S. Negi — *Deputy Secretary*
5. Shri V.P. Gupta — *Under Secretary*

INTRODUCTION

I, the Chairman, Committee on Petitions, having been authorized by the Committee to present the Report on their behalf, present this Twenty Seventh Report of the Committee to the House on the representations regarding dealerships/distributorships of Retail Outlets and other related issues.

2. The Committee considered and adopted the draft Twenty Seventh Report at their sitting held on 7th May, 2007.

3. The observations/recommendations of the Committee on the above matters have been included in the Report.

4. For facility of reference observations/recommendations of the Committee have been printed in thick type in the body of the Report.

NEW DELHI;
7 May, 2007

17 Vaisakha, 1929 (Saka)

PRABHUNATH SINGH,
Chairman,
Committee on Petitions.

REPORT

REPRESENTATIONS REGARDING DEALERSHIPS/DISTRIBUTORSHIPS OF RETAIL OUTLETS AND OTHER RELATED ISSUES

1.0 The Committee had received a large number of representations from various quarters regarding irregularities in awarding dealership/distributorship by the oil companies and other related issues. Some of the representations were examined by the Committee and their observations/recommendations in the matter were contained in 15th and 16th Reports of the Committee which were presented to the House on 23.05.2006 and 23.08.2006 respectively. In continuation thereof, the Committee have taken the following representations containing issues regarding dealerships/distributorships of Retail Outlets at various locations and other related issues, for examination:—

- (i) Representation from Shri Navlesh Kumar Sharma, District Gaya, Bihar;
- (ii) Representation from Shri Manoj Kumar, District Nawada, Bihar countersigned by Shri Ajit Kumar Singh, M.P.;
- (iii) Representation from Shrimati Raj Kumari Devi, Madhuban, Motihari, Bihar;
- (iv) Representation from Shrimati Asha Kumari, Proprietor, M/s. Shree Ram HP Gas Agency, District Nalanda, Bihar; and
- (v) Representation from Shri Anand Swaroop Sharma, District Gautam Budh Nagar, countersigned by Shri Ramji Lal Suman, M.P.

2.0 The Committee took up the matter for examination in accordance with Direction as of the directions by the Speaker, Lok Sabha and dealt with the above representations in the succeeding paragraphs.

3.0 Representation from Shri Navlesh Kumar Singh

3.1 In his representation, the petitioner stated that he had submitted an application alongwith all relevant documents on 23-03-2004 for R.O. Dealership for location Hisua District, Nawada, Bihar under 'Open category' in response to an advertisement published in *Dainik Jagran* dated 21-02-2004 by Bharat Petroleum Corporation Limited (BPCL). He appeared in the interview on 19-08-2004 and he was listed 1st empanelled candidate for the said R.O. He was informed by local officials of BPCL that there were some discrepancies in relation to the leased land papers submitted by him which were rectified by him and the corrected leased land papers were submitted by him. Later on BPCL, Barauni *vide* letter dated 15-10-2004 wrote to Circle Office for verification of leased plots in detail. Circle Office in their reply found the membership and details of the land to be correct. However, BPCL did not issue any Letter of Intent (LoI) in his favour for

the dealership of RO at Hisua or give any intimation in this regard. Aggrieved by high handedness of BPCL, he filed a petition before the High Court of Patna on 17-12-2004. Thereafter, he got a letter dated 20-03-2005, from the GM (Retail), East BPCL which contained objection about a KARHA (used for irrigation purpose). He responded that he is ready to obtain no objection certificate from the State Government authorities or the kind of appropriate permission. However, he did not receive any information in the matter. The petitioner further stated that he is an unemployed engineer and giving monthly rent for the leased land which has put him in a great financial hardship.

3.2 The petitioner, therefore, requested that BPCL may be directed to issue him LoI for the dealership under reference and that he is ready to withdraw the petition filed before the Court.

3.3 The representation of the petitioner was referred to the Ministry of Petroleum and Natural Gas (MOP&NG) on 12th April, 2006 for their comments on the points/issues raised by the petitioner in his representation. In their response, the MOP&NG *vide* their communication dated 17th April, 2006 commented as follows:

"During field verification of credentials, some discrepancies in land offered by the candidate select were found and hence, LoI was not issued to him.

The dimensions of land (Plot No. 1499) could not meet the norms of 60 Mtrs. x 50 Mtrs. indicated in the advertisement. The candidate informed BPCL that the plot No. 1499 was wrongly mentioned and it should be read as 1399. Plot No. 1399 was also inspected and found that its depth was 33.54 Mtrs. as against the stipulated norm of 50 Mtrs. Hence, this piece of land also did not meet the requirement.

The candidate also offered some nearby plots, *viz.*, plot Nos. 1409, 1410 and 1489. However, as per the guidelines, only the land offered at the time of application can be accepted. Moreover, there is a strip of land KARHA (irrigation land owned by Government) (Plot No. 1400) between the plot Nos. 1399, 1409, 1410 etc. as indicated in the revenue map. No individual has any legal right to transfer plot No. 1400 on lease to others and the same cannot be acquired by way of lease. This has been verified by the Revenue Circle Officer. Hence, Shri Navlesh Kumar Sharma is not eligible for issue of LoI.

The matter is *sub-judice* in W.P. in High Court of Patna. The Court has not issued final order."

3.4 The Committee undertook oral evidence of the representatives of the Ministry of Petroleum and Natural Gas (MOP & NG) at their sitting held on 18.04.2006. On being asked about the status of the case, the witness from the BPCL stated as under:

"In this case, the first candidate was selected, but when we went for field verification, the land was not meeting the norms as per the advertisement. Then, he offered additional piece of land, but it also included a canal which has now been filled up, and that is nobody's land. The point is that the land offered at the time of the interview and offered later was different. There were two candidates.

We have not yet decided on this. However, in the meantime, the first candidate has gone to the court and it is before the court. The court has not given any stay. In case of the second candidate, we will have to see his land to find out whether it is as per the requirement. Before, we take any decision, we want to be sure about it so that we can do justice to this case."

3.5 The MOP&NG *vide* their communication dated 12th April, 2007 have furnished the latest status report in the matter as under:—

"Bharat Petroleum Corporation Limited (BPCL) has reported that as per the investigation conducted by a team of BPCL officials, it was recommended that Shri Navlesh Kumar Sharma was not eligible to be issued Letter of Intent (LoI) for this localtion. This dicision is also being conveyed to the Patna High Court when the case comes up for hearing."

Observations/Recommendations

3.6 The Committee note that the petitioner applied for RO dealership for location Hisua, District Nawada, Bihar under open category in response to an advertisement from BPCL. He appeared for the interview on 19.08.2004 and was listed first empanelled candiate for the said RO. However, BPCL have not issued any letter of Intent (LoI) for the RO dealership or given any intimation in this regard to the petitioner. Thereafter, he filed a petition before High Court of Panta on 17-12-2004. The petitioner also stated that he is an unemployed engineer and is paying monthly rent for the leased land as a result of which he has been put under great financial hardship. The petitioner, therefore, requested that BPCL may be directed to issue LoI to him for the said dealership and that he is ready to withdraw the petition filed before the Court.

3.7 The Committee note from the reply of BPCL that some discrepancies in land offered by the petitioner were found during field verification of credentials and hence, LoI was not issued to him. The dimensions of land (Plot No. 1499) could not meet the norms of 60 Mtrs. x 50 Mtrs. indicated in the advertisement. The candidate informed BPCL that the plot No. 1499 was wrongly mentioned and it should be read as 1399. Plot No. 1399 was also inspected and found that its depth was 33.54 Mtrs. as against the stipulated norm of 50 Mtrs. Hence, this piece of land also did not meet the requirement. The candidate also offered some nearby plots, *viz.*, plot No. 1409, 1410 and 1489. However, as per the guidelines, only the land offered at the time of application could be accepted. Moreover, there was a strip of land KARHA (irrigation land owned by Government) (Plot No. 1400) between the plot Nos. 1399, 1409, 1410 etc. as indicated in the revenue map. According to BPCL, no individual has any legal right to transfer plot No. 1400 on lease to others and the same could not be acquired by way of lease. This was verified by the Revenue Circle Officer. Therefore, the petitioner was not eligible for issue of LoI.

3.8 The Committee also note that the Court have not given any direction or the stay in the matter. The Committee are, therefore, anguished that the matter is being kept pending for so long unnecessarily and no efforts were made to settle the issue at the earliest causing avoidable hardships to the petitioner. The Committee, therefore,

desire that the land offered by the petitioner may be reviewed and verified expeditiously in the light of the existing norms and relaxation made therein, if any, in the past, to enable the petitioner to commission the RO without further delay. The Committee would like to be apprised of the action taken in the matter.

4.0 Representation from Shri Manoj Kumar

4.1 In his representation, the petitioner has stated that he had applied for Kerosene Dealership at Warsaliganj, District Nawada, Bihar in response to advertisement issued by IOCL in September, 2000. In response to his application he was called for interview on 19-12-2001 and was selected for Kerosene oil dealership. On 12-10-2004 he was issued LoI and thereafter he completed all the formalities regarding land. However, on 8-11-2004, without assigning any reason, all of a sudden, stay was imposed on Dealership. According to the petitioner, since then the matter is kept in abeyance and neither any action is being taken nor any reason is being given in this regard.

4.2 The petitioner, therefore, requested that the matter may be examined and he may be allowed to commission the said dealership.

4.3 The representation of the petitioner was referred to the MOP&NG on 20th March, 2006 for their comments on the points/issues raised by the petitioner in his representation. In their response, the MOP&NG *vide* communication dated 17th April, 2006 furnished their comments as follows:

- "(i) At the time of selection of SKO/LDO dealership at Warsaliganj references were received that instead of opening of two dealerships at Warsaliganj, IOC may examine feasibility of opening of SKO dealership in the un-represented Blocks of Nawada District and also to stay the further progressing of commissioning of dealership at Warsaliganj.
- (ii) Ministry sought IOC's comments in the matter and also stayed the commissioning of another dealership at Warsaliganj. IOC informed that the monthly allocation of SKO for Warsaliganj Block is 156 KL and for Nawada District it is 840 KL. 4 out of 8 un-represented Blocks of Nawada District have been found feasible for setting up of SKO dealership, which will be included in the future marketing plan of the State. As regards the feasibility of opening another SKO dealership at Warsaliganj, the IOC has reported that:

M/s. GK Padia & Sons is IOCL's SKO agency at Warsaliganj since 1967. The agency was terminated by DM, Nawada in 1983 and subsequently revoked on 04-07-1993 through a court order. Between 1983 and 1993 opening of a new SKO agency was incorporated in the market plan 1989-93 and the location was advertised on 08-07-1993. After restoration of the earlier agency the second one is not required. However, since the advertisement was made, the process of selection was completed and LoI issued to Shri Manoj Kumar. The minimum quota for feasibility of an SKO agency is 75 KL. The average allocation of SKO for the existing dealers is 150 KL.

- (iii) The report of IOC is under the consideration of the Ministry and a view would be taken soon."

4.4 The Committee undertook oral evidence of the representatives of the Ministry of Petroleum and Natural Gas (MOP&NG) at their sitting held on 18.04.2006. On being asked about the status of the case, the witness from the IOCL stated as under:

"This is a case where yesterday the Hon. MoS has signed the file. This is what I was told. Therefore, we will be in a position to commission this. We are yet to get the decision in writing. The Minister of Petroleum has advised yesterday morning that this has been cleared by them. Therefore, we will be taking action on this. They have given the letter also right now."

The witness further added—

"In fact, what has happened is, when the petition came, the then hon. Minister for State of HRD, Shrimati Kanti Singh had said that it was not viable and asked us for holding it. Based on that, the Minister of Petroleum also told us to hold it for the time being. There were eight blocks in which the SKO agency was not there, parallelly, we were asked to conduct the feasibility study. We conducted that. Viability is there in four blocks and there is no viability in four other blocks. Now, the petitioner was also requested whether he could operate in the identified four blocks. He was not willing. Ultimately, the decision has come. We will go ahead and we will commission the dealership. The matter was pending with the Ministry. Now, we have been given the decision. We will go ahead on this."

4.5 The MOP&NG *vide* their communication date 12th April, 2007 have furnished the latest status report in the matter as under:—

"Indian Oil Corporation Limited (IOC) has reported that interview for SKO-LDO dealership (Open category) at location Warsaliganj, District Nawada, Bihar was conducted on 19-12-2001 and Shri Manoj Kumar was issued Letter of Intent (LOI) on 12-10-2004. At that time, references were received from some quarters for opening of SKO dealerships in those blocks of Nawada District, where there were no SKO dealerships, inspite of opening of two dealerships at Warsaliganj. In pursuance of this, IOC was requested to examine the feasibility of opening of SKO dealerships in the un-represented blocks of Nawada District and also to stay the further progressing of commissioning of the dealership at Warsaliganj.

IOC has further reported that the monthly allocation of SKO for Warsaliganj was 126 KL and total allocation of SKO was 840 KL for Nawada District, Four blocks of Nawada District have been found feasible for setting of SKO dealership. On the advice of Ministry of Petroleum & Natural Gas, the LOI was revived and LOI holder was advised to proceed further in line with LOI.

IOC has also reported that the LOI holders has obtained approval from Department of Explosive and NOC from District Magistrate for development of SKO dealership at Warsaliganj. SKO dealership will be commissioned by IOC only after the LOI holder gets Storage License from Department of Explosives and Wholesale Selling License from DM, Nawada."

Observations/Recommendations

4.6 The Committee note that the petitioner applied for Kerosene Dealership at Warsaliganj, District Nawada, Bihar in response to advertisement by IOCL in 2000. He was interviewed on 19-12-2001 and selected for the dealership. He was issued LoI for SKO-LDO dealership on 12-10-2004. However, on 08-11-2004, without assigning any reason, all of a sudden, stay was imposed on dealership. The petitioner, therefore, requested that the matter may be examined and he may be allowed to commission the said dealership.

4.7 The Committee were informed that the commissioning of another dealership at Warsaliganj was stayed as the Ministry asked the IOCL to examine the feasibility of opening of SKO dealership in the un-represented blocks of Nawada district. It was reported that 4 out of 8 un-represented blocks of Nawada district were found feasible for setting up of SKO dealership. As regards the feasibility of opening of another SKO dealership at Warsaliganj, the IOCL had reported that the agency run by M/s. G.K. Padia & Sons at Warsaliganj was terminated by D.M., Nawada in 1983 and the same was revoked on 04-07-1993 through a court order. Between 1983 and 1993, opening of new SKO agency was incorporated in the market plan 1989-93 and the location was advertised on 08-07-1993. After restoration of the earlier agency, the second one was not required. However, since the advertisement was made, the process of selection was completed and the LOI was issued to the petitioner.

4.8 The Committee strongly deprecate the haphazard manner the marketing plan of IOCL was prepared and executed. It is surprising to note that merely four days after the revocation of the termination of SKO dealership at Warsaliganj, an advertisement was issued on 08-07-1993 for a new agency although the Ministry categorically stated that the second one was not required. The Committee fail to understand as to how this uncertainty continued for ten years for setting up of another dealership at the said location against which LoI was issued to the petitioner. The Committee would like that the matter be inquired into and the report be submitted to the Committee.

4.9 The Committee were also informed that the Ministry have since revived the LoI and the petitioner has been advised to proceed further in line with LoI. LoI holder has obtained approval from the Department of Explosives and NoC from District Magistrate for development of SKO dealership at Warsaliganj. SKO dealership will be commissioned by IOCL only after the LoI holder gets storage licence from Department of Explosives and wholesale selling licence from DM, Nawada. During the course of evidence, the Committee were informed that the decision has since been taken to commission the dealership. In view of the foregoing, the Committee desire that the action should be taken to expedite the commissioning of the dealership. The Committee would like to be apprised of the action taken in this regard.

5.0 Representation from Smt. Rajkumari Devi

5.1 In her representation, the petitioner has stated that she is an IBP Dealer and has been running a Petrol Pump at Madhuban, Motihari, Bihar. However, BPCL has published an advertisement in daily Newspaper, *Hindustan* for appointment of retail outlet dealership. It has been made clear in the said advertisement that the land is

required within 5 kilometre in Madhuban. She has therefore, requested that the said advertisement for retail outlet within the radius of 5 kilometres in Madhuban District may be cancelled.

5.2 The representation was forwarded to the Ministry of Petroleum and Natural Gas (MOP&NG) on 13th September, 2005 for furnishing their comments on the points/ issues raised therein. In response thereof, the MOP&NG *vide* their communication dated 29th September, 2005 furnished the following comments:—

"BPCL have a proposal for retail outlet at location Madhuban, Bihar, under Rural Area Retail Outlet Marketing plan. Smt. Rajkumari Devi, who is an IBP dealer at Madhuban, Motihari, Bihar has sent her representation through Shri Sitaram Singh, Hon'ble Member of Parliament for cancellation of our advertisement for this location.

The apprehension of the IBP dealer, who has an average sale of 24 KL MS and 144 KL HSD, that the viability of his retail outlet will be affected is not true. Her outlet is situated on a highway (D class of market) while the location of our proposed retail outlet is situated at a distance of about 1.7 KM interior of the Highway.

Our RO will cater to entirely different trading area of the rural market. This market is having potential of about 60 KL HSD.

In view of what has been stated above and moreover as the low cost rural outlets being set up by us in the rural market is feasible even with a very low sales volume we do not find any reason for the objection raised by the IBP dealer for our RO proposal."

5.3 On being enquired about the need for opening another retail outlet in Madhuban District when already there is an outlet being run by the petitioner, the MOP&NG in their written replies stated as follows:—

"The retail outlet of Smt. Rajkumari Devi is situated on a Highway catering to the vehicles plying on that road. However, the location of the retail outlet proposed by Bharat Petroleum Corporation Limited (BPCL) is in a rural market away from the Highway. It is an entirely different trading area catering to the requirements of farmers who have to otherwise travel long distance to the highway to get their fuel requirement."

5.4 To a query about the policy of the Government that there should not be another outlet within a radius of 5 kilometres, the Ministry have furnished in written replies as follows:—

"At present, there is no policy laid down by the Ministry for setting up new retail outlet specifying any distance norms between two retail outlets. New retail outlets are set up based on their potential and economic viability.

The proposed retail outlet of BPCL is in a rural location planned to meet the requirement of customers in that area while the existing outlet of Smt. Rajkumari Devi is in an entirely different trading area on a highway."

5.5 Subsequently, the MOP&NG *vide* their communication dated 04.01.2006 submitted their brief note as under:—

"The retail outlet of Smt. Rajkumari Devi is situated on a Highway catering to the vehicles plying on that road. However, the location of the retail outlet proposed by BPCL is in a rural market away from the Highway. It is an entirely different trading area catering to the requirements of farmers who have to otherwise travel long distance to the Highway to get their fuel requirement.

Government have been freedom to Oil Marketing Companies to set up retail outlets/LPG distributorships/SKO-LDO dealerships at various locations across the country as per their commercial consideration and economic viability.

The apprehension of the IBP dealer, who has an average sale of 24 KL MS and 144 HSD, that the viability of his retail outlet will be affected is not true. His outlet is situated on a highway (D class of market) while the location of our proposed retail outlet is situated on another road at a distance of about 1 km interior of the highway.

The proposed RO will cater entirely to a different trading area that is rural market. This market is having potential of about 60 KL HSD. The customers are mostly farmers who would otherwise be inconvenienced to travel to the highway to get the requirement of HSD. However the trade of IBP RO is mostly of trucks plying on the highway that will not come into this road travelling 1 KM each way to the BPC RO to take their fuel requirement.

In view of what has been stated above and moreover as the low cost rural outlets being set up by BPCL in the rural market is feasible even with a very low sales volume we do not find any reason for the objection raised by the IBP dealer for our RO proposal. Letter of intent for this location was issued on 20.09.2005 and the Retail Outlet is not yet commissioned."

5.6 This case was listed for the oral evidence of the representatives of MOP&NG on 5th January, 2006, but the same could not be taken up for examination by the Committee.

5.7 In their communication dated 17th April, 2006 the MOP&NG have reported the present status of the case as under:—

"Bharat Petroleum Corporation Limited (BPCL) has reported that as per investigation conducted by BPCL, Madhuban is a Panchayat covering around 10 to 12 villages and the area is rural and agricultural in nature. All major crops such as rice, maize, wheat, sugarcane, mustard, etc. are grown in this area. The area also has about 1000 tractors and 16000 tubewells/pumpsets. The IBP RO is located at village, Bishampur Tara, in Madhuban on NH 104. Although classified as NH, the road resembles a PWD road used for carrying agricultural produce and local traffic. The next village on National Highway is Madhuban and village Saraiyan is located thereafter on PWD road and BPCL have their proposal at this location. The IBP RO is selling on an average 25 KL per month of MS and 140 KL per month of HSD.

BPCL has further reported that their proposed rural RO at village Saraiyan, approximately 2 kms away on a PWD road and not on the National Highway. The estimated potential at BPCL will be approximately 60 KL per month of HSD and 5 KL MS per month. Discussions with the local villagers revealed that apart from the IBP RO, there was no other RO in that area except for one located at Minapur which is 30 km away on one side and another RO at Chakia, located 24 km away on the other side. Discussions with the local villagers at Saraiyan indicated that the IBP RO is not able to meet their requirements and they are forced to visit Minapur or Chakia for their requirements which is a very costly and troublesome proposition. It was also stated that the customers have doubts on the quality and quantity of the products sold from the IBP RO. The investigation revealed that the IBP RO will not be rendered unviable if the BPCL RO is commissioned, and the IBP dealer is feeling insecure as her monopoly will be threatened and due to competition she has to improve the customer service standards as well as quality and quantity."

Observations/Recommendations

5.8 The Committee note that the petitioner is running an IBP petrol pump at Mahuban, District East Champaran, Bihar. BPCL have also proposed to set up a retail outlet at location Madhuban, Bihar under Rural area Retail Outlet Marketing Plan as published in the newspaper. The petitioner, therefore, requested that the said advertisement for retail outlet within the radius of 5 kilometres in Madhuban district may be cancelled.

5.9 The Committee were informed that the retail outlet of the petitioner is located at village Bishampur Tara in Madhuban on NH-104 catering to the vehicles plying on that road. However, the location of the retail outlet proposed by BPCL is in a rural market away from the Highway. It is in an entirely different trading area catering to the requirements of farmers who have to otherwise travel long distance to the Highway to get their fuel requirement. According to the Oil Company, the IBP RO is selling on an average of 25 KL per month of HSD. The estimated potential at BPCL RO will be approximately 60 KL per month of HSD and 5 KL per month of MS. It was also revealed that apart from IBP RO, there is no other RO in that area except for one located at Minapur which is 30 km. away on one side and another RO at Chakia, located 24 km. away on the other side. Discussions with the local villagers of the area indicated that the IBP RO of the petitioner is not able to meet their requirements and they are forced to visit Minapur or Chakia for their requirements which is very costly and troublesome proposition. The investigation also revealed that the IBP RO will not be rendered unviable if the BPCL RO is commissioned and the petitioner is feeling insecure as her monopoly will be threatened and as a result of competition she has to improve the customer service standards as well as quality and quantity of her products.

5.10 The Committee were also informed that there is no policy laid down by the Government for setting up new retail outlet specifying any distance norms between two retail outlets. The Government have given freedom to Oil marketing companies to set up retail outlets/LPG distributorships/SKO-LDO dealerships at various locations across the country as per their commercial consideration and economic viability.

5.11 The Committee observe that the proposed retail outlet of BPCL will cater rural market which is entirely different from the trading area of the petitioner who is catering to the vehicles plying on National Highway. Further there is no policy/norms specifying distance between two retail outlets and the only criteria for opening retail outlets is that the commercial and economic viability. The Committee, therefore, do not find any reason for the objection raised by the petitioner to set up another retail outlet as proposed by BPCL near to the petitioner's outlet in the same location *i.e.* Madhuban, District East Champaran, Bihar. The proposed retail outlet is low cost rural outlets being set up by BPCL in the rural market and is feasible even with a very low sales volume.

5.12 In view of the foregoing, the Committee do not wish to pursue the case further. However, the Committee desire that the Ministry should prepare a marketing plan for opening of ROs by selecting other locations to adequately meet the requirement of the people of the area.

6.0 Representation from Shrimati Asha Kumari, Proprietor, M/s.Sriram HP Gas Agency, District Nalanda, Bihar

6.1 In her representation, the petitioner stated that LPG Dealership was awarded to her by Hindustan Petroleum Corporation Limited (HPCL) at Biharsharif, Nalanda, Bihar on 22.12.2003. Before awarding dealership to her, there were three dealerships of other oil companies in that area *viz.* M/s. P.P. Indane (IOCL dealer), M/s. Jeepee Enterprises (IOCL LPG dealer) and M/s. Jai Matadi Gases (BPCL LPG dealer). As per the guidelines of MOP&NG, the HPCL requested the IOCL on 06.01.2004 and 03.07.2004 to advise their distributor to transfer the customers of urban area to the newly commissioned distributorship of HPCL. In response thereof, the IOCL ordered customer transfer on 16.10.2004 but no action has been taken thereafter.

6.2 The petitioner, therefore, requested for appropriate action in the matter.

6.3 The representation of the petitioner was referred to the MOP&NG on 22nd December, 2005 for furnishing their comments on the points raised in the representation. In their response, MOP&NG vide their communication dated 4th January, 2006 commented as under:—

"M/s. Sriram HP Gas Agency (HP distributor) was commissioned on 22.12.2003 under OPEN Category and is presently having a refill sale of about 1500 refills per month as against total consumer strength of 2100. Category of market is U/R as per the Marketing Plan.

HPCL vide their letter dated 06.01.2004 requested IOCL for transfer of customers from the two existing Indane distributors *viz.* M/s. P.P. Indane, Biharsharif (present average sale of 9200 cyls. per month and M/s. Jeepee Indane, Biharsharif (present average sale of 8650 cylinders per month). The category of market of both these Indane distributors is Urban.

Vide letters dated 04.02.2004 and 05.07.2004, IOC directed M/s. P.P. Indane Service, Biharsharif to identify and transfer customers to the HP distributor. However, during November, 2004 the policy regarding transfer of customers within the common area of operation were amended. The Indane distributors

were again instructed to identify those customers not falling within the common area of operation of the HP distributor (which was under Urban/Rural category) and the two Indane distributors (under Urban category).

Accordingly, a meeting was convened by IOC, Patna on 29.12.2005 wherein the proprietor of M/s. Sriram H P Gas Agency, Biharsharif, proprietor of M/s. P.P. Indane Service (Indane distributor) and M/s. Jepee Enterprises alongwith HPCL officials were present. M/s. P.P. Indane and M/s. Jepee Enterprises have agreed to transfer 1850 customers of Harnaut area to the HP distributor. It was jointly agreed that effective 02.01.2006, Indane distributors will not supply any refill to Harnaut market and HPCL would be able to position the required equipment by 15.01.2006 for smooth transfer of customers. It was also decided in the meeting that additional customers shall be transferred to the HP distributor from BPCL Distributor based at Biharsharif for which HPCL will coordinate with BPCL directly.

Shri Sameer Kumar, the proprietor of M/s. Sriram, HP Agency has expressed his satisfaction on the above decision."

6.4 The Committee undertook oral evidence of the representatives of the MOP&NG on 05-01-2006. On being asked about the details of the case, the representative of the IOCL stated as under:—

"We had commissioned HPCL distributor in year 2003. Its custom holding is about 2100 and refill sale is 1500. This issue was related to industry only not of the HPCL. After a number of meetings in the last meeting held in December, local in charge of IOCL, HPCL, BPCL and dealer were present and it was decided 1850 customers will be transferred there. If 1850 customer transfer there the viability will be improved automatically. It is our latest decision in this regard".

6.5 In their communication dated 12-04-2007, the MOP&NG stated the present status of the case as under:—

"M/s. Sriram HP Gas Agency, Ranchi Road, District Nalanda, Bihar was commissioned on 22.12.2003 under "open" category.

Government had reviewed the policy on the transfer of customers and stopped inter-company transfers of customers on 29.1.2004, as it was found that the practice of transferring customers from established LPG distributorships to newly commissioned distributorships had led to a general sense of complacency amongst new distributors. The new policy aims at encouraging all LPG distributors to explore new and less covered areas to expand their market share as almost all the urban markets are at their saturation level.

In the meantime, M/s. Sriram HP Gas Agency of their own accord has enrolled more customers in its trading area and is presently having a refill sale of about 2100 per month against a total consumer strength of 3618.

Hindustan Petroleum Corporation Limited (HPCL) has reported that Smt. Asha Kumari, the proprietress of M/s. Sriram HP Gas Agency has expressed her satisfaction on the current viability of the distributorship and has no grievance on this issue."

Observations/Recommendations

6.6 The Committee note that the petitioner was awarded LPG distributorship of HPCL at Biharsharief, District Nalanda and commissioned as M/s. Sriram HP Gas Agency on 22.12.2003 under "open" category. The agency has refill sale of about 1500 refills per month as against the total consumer strength of 2100. HPCL *vide* their letter dated 06.01.2004 requested IOCL for transfer of customers from the two existing Indane Distributors *viz.* M/s P.P. Indane, Biharsharief (average sale of 9200 cylinder per month) and M/s. Jepee Indane, Biharsharief (average sale of 8650 cylinders per month). In pursuance thereof, IOCL directed M/s. P.P. Indane Service to identify and transfer customers to the HP distributor. However, the Committee were informed that during November, 2004, the policy regarding transfer of customers within the common area of operation was amended. The Government stopped inter-company transfer of customers. The new policy aims at encouraging all LPG distributors to explore new and less covered areas to explore their market share as almost all the urban markets are at their saturation level. The Indane distributors were instructed to identify those customers not falling within the common area of operation of the HP distributor and the two Indane distributors. A meeting was also convened by IOCL, Patna on 29.11.2005 wherein the proprietor of M/s. Sriram HP Gas Agency, proprietor of M/s. P.P. Indane Service and M/s. Jepee Enterprises alongwith HPCL officials were present. M/s. P.P. Indane and M/s. Jepee Enterprises agreed to transfer 1850 customers of Harnaut area to the HP distributor. It was also jointly agreed that effective from 02.01.2006, Indane distributors will not supply any refill to Harnaut market and HPCL would be able to position the required equipment by 15.01.2006 for smooth transfer of customers. It was also decided that the additional customer shall be transferred to the HP distributor from the BPCL distributor based at Biharsharief for which HPCL will coordinate with BPCL directly. The proprietor of M/s. Sriram HP Gas Agency had expressed his satisfaction on the above decision. During the course of evidence, HPCL expressed the hope that viability of new distributor would automatically improve if the 1850 customers are transferred as per the above decision. The Committee were informed in writing that M/s. Sriram HP Gas Agency of their own accord have enrolled more customers in its trading area and is presently having a refill sale of about 2100 per month against a total consumers strength of 3618. HPCL have also reported that the petitioner, the proprietress of M/s. Sriram HP Gas Agency has expressed her satisfaction on the current viability of the distributorship and has no grievance on this issue.

6.7 In view of the foregoing, the Committee are satisfied to note that concrete and adequate efforts were made by the Government and the concerned oil companies to resolve the issue and in the process to redress the grievance of the petitioner. The petitioner has now adequate number of customers making her agency commercially and economically viable. In view of this, the Committee do not wish to pursue the case further.

7.0 Representation from Shri Anand Swaroop Sharma, District Gautam Budh Nagar, countersigned by Shri Ramji Lal Suman, M.P.

7.1 In his representation, the petitioner stated that he applied for award of Dealership of Retail Outlet under fleet category in response to an advertisement published in the

newspaper dated 01.06.2005 by IOCL and was selected for Retail Outlet Dealership, in the category of Fleet Operator, Khurja-Jewar Road in District Bulandshahar. According to the petitioner, at the time of submitting of his application there was no retail outlet in the vicinity and he had offered land at Sauda Habipur at KM No. 8 in locality at Khurja-Jewar Road. However, a new petrol pump was opened by HPCL at the same location where he proposed to open his petrol pump. According to the petitioner, there is no city or town near to that location which could effect sale from two petrol pumps. Keeping this aspect in view, he had offered another land at KM No. 4 within the limit of the advertised location where he now preferred to set up his petrol pump. The land purchased by him is close to both Khurja town and Khurja Railway Station and it lies in crowded city area in which the road approaching the Railway Station has all time traffic. There is no petrol pump in this locality.

7.2 The petitioner, therefore, requested that the change of location may be permitted which falls within the advertised location and is a viable location. He also requested that the matter may be examined so that RO be commissioned at the earliest.

7.3 The representation of the petitioner was referred to the MOP&NG on 12th April, 2006 for furnishing their comments on the points/issues raised in the representation. In their response, the MOP&NG vide their communication dated 17th April, 2006 commented as under:—

"The location was advertised on 01.06.2005 and interview was conducted on 26.07.2005. However, in the month of June, 2005, HPCL had commissioned one RO opposite to the proposed location by Shri Sharma, which Shri Sharma was well aware of at the time of interview. Shri Sharma was selected as dealer based on the site offered by him at KM No.8 and committed volume of 15KL of MS and 60KL of HSD per month by an affidavit. For fleet operator category, the volume committed should not vary with opening of another RO by HPCL.

As per existing policy of IOC, the RO has to be set up at the place offered by the candidate at the time of application and interview, based on which he was selected. Once LOI is issued, the change of location is not permitted.

As Shri Sharma is not showing any inclination of commissioning the RO at the allotted place, General Manager, UP State Office of IOC has approved on 31.01.2006, withdrawal of the LOI issued to him. Agra Divisional Office of IOC has been asked to carry out a feasibility study for the location suggested by Shri Sharma. If found viable a new RO will be set up in the line with policy guidelines of IOC."

7.4 Thereafter, the Committee undertook oral evidence of the representatives of the MOP&NG on 18.04.2006. Explaining the case the petitioner, the witness from IOCL stated as under:—

"Mr. Anand Swaroop Sharma has given a petition to you regarding change of location for retail outlet allotted to him at Khurja Jewar Road, Bullandshahar (UP).

We have got a category called fleet category for retail outlets. Actually, we advertised for fleet category outlets. We evaluate them on two parameters. One, what is the volume they will tie up? Through an affidavit, they will guarantee a minimum volume. The gentleman has also committed 15KL of MS and 60 KL of diesel. He has also offered site on the date of interview. In the application form, he has indicated that this is the land he is giving. When he attended interview on 26.07.2005, he was actually given the LOI. In June, 2005, HPCL has commissioned an outlet in the same locality. Now, he says in August, 2005 that he has procured a land, which is four kilometres from that place, near the station. Now, he is trying to offer another land. The thing is that we have got into an administrative issue here. He says that the new site he is offering has better potential. Here, changing location at LOI stage is not permitted. I think, we have cancelled the LOI. Now, the new location's feasibility is being conducted. He can apply again because this is not an open category and he has committed the volume. We are not in a position to change the location at LOI stage. This is an administrative matter."

7.5 The Committee pointed out that there was a case of Betiah and they had replied that the land was not proper in that case and that is why they had changed it. Responding to this the witness from IOCL stated as under:—

"Sir, that is for NHAI requirement. If it is due to the factor beyond the control of the candidate, Compnay has to definitely look into that. I remember the case becuase the NHAI order came in-between and then, the land was not appropriate for a retail outlet. So, we have to allow for another land. That is due to NHAI factor."

Commenting on the present case, the witness stated as under:—

"Here, he has been awarded marks based on a specific land already given. This is under fleet category. As I said, only two parameters are of paramount importance. One is site and the other is tied up volume. This is not general category outlet. It is under fleet category."

7.6 When the Committee desired to consider this case from practical point of view, the witness stated:—

"Sir, we will see if it is within the guidelines. Otherwise, we will tell you that we cannot do it."

7.7 In their communication dated 12.04.2007, the MOP&NG reported the present status of the case as under:—

"LOI issued to Shri Anand Swaroop Sharma for the subject location has been withdrawn. No feasibility study has been conducted for fresh location offered' by Shri Anand Swaroop Sharma. (The same would be conducted now in line with the new policy guidelines received from setting up ROs by IOCL, Agra by 15-04-2007)."

Observations/Recommendations

7.8 The Committee note that the petitioner applied for Retail Outlet dealership under fleet category at location Khurja-Jewar Road in District Bulandshahar, U.P. in

response to an advertisement published by IOCL on 01.06.2005. When he applied for the said RO at the subject location, there was no other RO in the vicinity and he had offered land at Sauda Habipur at KM No. 8. However, HPCL commissioned an RO in front of the land offered by him before the date of interview. Since it was not possible to carry trade of two pumps at the said location, he offered another land at KM No. 4 within the limit of the advertised location where he preferred to set up his petrol pumps. Since it was not possible to carry trade of two pumps at the said location, he offered another land at KM No. 4 within the limit of advertised location where he preferred to set up his petrol pumps. According to the petitioner, the new location would be viable and therefore, requested that change of location to set up the petrol pump may be permitted to enable him to commission the RO at the earliest.

7.9 The Committee were informed that the location for retail outlet at Khurja-Jewar Road, Bulandshahar, U.P. under fleet category was advertised on 01.06.2005. However, in the month of June, 2005, HPCL had commissioned one RO opposite to the proposed location offered by the petitioner. According to the IOCL, the petitioner was well aware of the commissioning of the said RO by HPCL at the time of interview on 26.07.2005. It was also informed during the course of evidence that the candidates for fleet category outlet are evaluated on two parameters—one minimum volume that will be guaranteed through an affidavit and second, the site offered on the date of interview. The petitioner was selected as dealer based on the site offered by him at KM No. 8 and committed volume of 15 KL of MS and 60 KL of HSD per month through an affidavit. The petitioner was given LOI on the date he attended interview on 26.07.2005. According to IOCL, for fleet operator category, the volume committed should not vary with opening of another RO by HPCL. In June, 2005, HPCL commissioned an outlet in the same locality. The petitioner, therefore, procured a land, in August, 2005, which is 4 kilometres away from that place, near the station and offered the same for setting up the RO as the new site, which according to the petitioner, has better potential.

7.10 The Committee were also informed that as per the existing policy of IOCL, the RO has to be set up at the place offered by the candidate at the time of application and interview, based on which he was selected. Once LOI is issued, the change of location is not permitted. As the petitioner has not shown any indication of commissioning the RO at the allotted place, General Manager, U.P. State Office of IOCL has approved on 31.01.2006, withdrawal of the LOI issued to him and the same has since been withdrawn. The Committee were also informed that IOCL has been asked to carry out a feasibility study for the new location suggested by the petitioner as per the new policy guidelines for setting up ROs. The petitioner has to apply again for the new Retail Outlet.

7.11 The Committee feel that the opening of new outlet by HPCL at the same location for which LOI was issued to the petitioner for RO by IOCL would adversely affect the potential and the commercial viability of the old location. Therefore, the demand of the petitioner for change of location has some merit. The Committee also feel that it would also be in the interest of the Oil Company if the change of location is permitted from the commercial point of view as requested by the petitioner. Now since LOI issued to the petitioner for the subject location has since been withdrawn, the

Committee recommend that feasibility study for the new location as offered by the petitioner may be conducted expeditiously and if found viable, early action should be taken to start a Retail Outlet at the new location.

NEW DELHI;
7 May, 2007

17 Vaisakha, 1929 (Saka)

PRABHUNATH SINGH,
Chairman,
Committee on Petitions.

MINUTES OF THE TWENTY-SEVENTH SITTING OF THE COMMITTEE ON
PETITIONS (FOURTEENTH LOK SABHA)

The Committee on Petitions sat on Thursday, 5th January, 2006 from 1400 hrs. to 1645 hrs. in Committee Room 'B', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Prabhunath Singh — *Chairman*

MEMBERS

2. Shri Nandkumar Singh Chauhan
3. Shri N.S.V. Chitthan
4. Shri Baliram Kashyap
5. Shri Suresh Kurup
6. Smt. Nivedita Mane
7. Mohd. Mukeem
8. Shri Dharmendra Pradhan

SECRETARIAT

1. Shri P. Sreedharan — *Joint Secretary*
2. Shri A.K. Singh — *Director*
3. Shri U.B.S. Negi — *Under Secretary*

WITNESSES

Representatives of the Ministry of Petroleum & Natural Gas

1. Shri M.S. Srinivasan — Secretary,
Ministry of Petroleum & Natural Gas
2. Shri Ajay Tyagi — Joint Secretary,
Ministry of Petroleum & Natural Gas
3. Shri Pramod Nangia — Director,
Ministry of Petroleum & Natural Gas
4. Shri V.K. Dewangan — Deputy Secretary,
Ministry of Petroleum & Natural Gas
5. Dr. N.G. Kannan — Director (Marketing)
Ministry of Petroleum & Natural Gas
6. Shri A.M.K. Sinha — GM (AS), Indian Oil Corporation Ltd.

7. Shri S. Roychowdhury — Director (Marketing),
Bharat Petroleum Corporation Ltd.
8. Shri S. Radhakrishnan — Director (Marketing),
Bharat Petroleum Corporation Ltd.
9. Shri Sanjay Krishnamurti — Executive Director (Retail),
Bharat Petroleum Corporation Ltd.

2. At the outset, the Chairman welcomed the representatives of the Ministry of Petroleum & Natural Gas and drew their attention to Direction 55(1) of the Directions by the Speaker, Lok Sabha regarding confidentiality of the proceedings. The Chairman also drew attention to Direction 95 with reference to their letter addressed to the Secretary-General which contains certain suggestions relating to the Committee.

3. Thereafter, the Committee took oral evidence of the representatives of the Ministry of Petroleum & Natural Gas on 26 representations regarding selection of petrol/diesel dealership/distributorships, transfer of customers between LPG Agencies, adulteration in petrol and diesel etc. including on some of the items which were discussed earlier. The witness apprised the Committee on the follow-up action initiated by the companies on their officers based on some of the infirmities and defects noticed by them and the need for transparent and objective guidelines/parameters regarding selection for dealerships and distributorships. It was also informed that the Ministry had also constituted a committee to go into the complaints against selection of dealers, awards of tenders and cases involving adulteration etc. Thereafter, the Committee discussed all the cases one by one in order to arrive at a decision. In the process, the following issues/points were discussed:—

- (i) Location of Retail Outlets or LPG distributorships on commercial considerations including potential of retail outlets at Jalalpur.
- (ii) Irregularities in the selection of dealerships/distributorships by the oil companies and the action taken/being taken against officers concerned.
- (iii) Guidelines awarding marks at the time of holding interviews for selection of dealerships.
- (iv) Mechanism to check adulteration in oil/diesel.
- (v) Need for formulation of guidelines by the oil companies relating to transfer of customers/connections from one Agency to another Agency for the convenience of the people.

After due deliberation on the issues/points in the representations. The Committee decided as follows:—

- (xiii) That issues relating to transfer of customers/connections from one Agency to another Agency as raised by Smt. Asha Kumari, Shri Anil Kumar Singh, Shri Rana Pratap Singh and Smt. Urmila Devi be settled at local level without delay.

8. A copy of the verbatim proceedings of the sitting of the Committee was kept on record.

The witnesses then withdrew.

The Committee then adjourned.

MINUTES OF THE THIRTY-SIXTH SITTING OF THE COMMITTEE ON
PETITIONS (FOURTEENTH LOK SABHA)

The Committee on Petitions sat on Tuesday, 18th April, 2006 from 1400 hrs. to
1700 hrs, in Committee Room No. 53, First Floor, Parliament House, New Delhi.

PRESENT

Shri Prabhunath Singh — *Chairman*

MEMBERS

2. Shri Nandkumar Singh Chauhan
3. Smt. Nivedita Mane
4. Adv. Suresh Kurup
5. Shri Baliram Kashyap
6. Shri Raj Babbar
7. Shri Vijoy Krishna
8. Mohd. Mukeem

SECRETARIAT

1. Shri A.K. Singh — *Director*
2. Shri U.B.S. Negi — *Under Secretary*

SPECIAL INVITEE

1. Shri Rajiv Ranjan Singh 'Lalan', MP

WITNESS

Representatives of the Ministry of Petroleum and Natural Gas

1. Shri M.S. Srinivasan — Secretary
2. Shri Anil Rajzan — Additional Secretary
3. Shri Ajay Tyagi — Joint Secretary
4. Shri S. Behuria — CMD, IOCL
5. Shri N.G. Kannan — Director (Marketing), IOCL
6. Shri S. Radhakrishnan — Director (Marketing), BPCL
7. Shri S.P. Chaudhry — Executive Director (Detail), HPCL

6. At the outset, the Chairman welcomed the representatives of the Ministry of Petroleum & Natural Gas and the representatives of Oil Companies and drew their attention of the Direction 55 (1) of the Directions by the Speaker regarding confidentiality of the proceedings. The Chairman also drew attention to Direction 95 which clearly stipulates that the Committee shall also meet as often as necessary to consider representations, letters, telegrams from various individuals, associations etc. which are not covered by the rules relating to petitions and give directions for their disposals.

7. Before taking oral evidence of the representatives of the Ministry of Petroleum and Natural Gas, the Committee drew attention to some of the observations of the past Speakers of the Lok Sabha throwing light on various aspects of the role and functions of the Committee on Petitions and its significance and importance in redressal of public grievances.

8. Thereafter, the Committee discussed all the cases one by one as stated in the succeeding paragraphs.

Case of Shri Manoj Kumar

The Committee were informed that based on the orders of the then Minister of HRD, the Minister of Petroleum & Natural Gas told to hold the case for the time being. Now the Ministry will be taking action on this and they will go ahead on this.

The Committee desired that they may be apprised of the further action to be taken in the matter.

Case of Shri Anand Swaroop Sharma

The Committee discussed about the change of location for RO allotted to the petitioner at Khurja Jewar Road, Bulandshahar, The Committee also discussed about the policy regarding change of location within the same class of market, within the State and outside the State.

The Committee directed to consider the request of the petitioner if it comes within the guidelines of the oil company and also keeping in mind the commercial point of view.

Case of Shri Nawlesh Kumar Sharma

The Committee were informed about the status of the case of the petitioner. The Committee directed that if it is found that the land offered by the petitioner is not in order as per the criteria/norms, the further action be taken as per the procedure/guidelines in the matter.

9. A copy of the verbatim proceedings of the sitting of the Committee was kept on record.

The witnesses then withdrew.

The Committee then adjourned.

MINUTES OF THE FIFTY EIGHTH SITTING OF THE COMMITTEE ON
PETITIONS (FOURTEENTH LOK SABHA)

The Committee on Petitions sat on Monday, the 7th May 2007 from 1500 hours to 1530 hours in Chairman's Room No. 45(II) Ground Floor, Parliament House, New Delhi.

PRESENT

Shri Prabhunath Singh — *Chairman*

MEMBERS

2. Shri N.S.V. Chitthan
3. Shri C. Kuppusami
4. Shri Suresh Kurup
5. Shri Dharmendra Pradhan
6. Kunwar Jatin Prasada
7. Shri Jyotiraditya M. Scindia
8. Shri Paras Nath Yadav

SECRETARIAT

1. Shri A.K. Singh — *Director*
2. Shri U.B.S. Negi — *Deputy Secretary*
3. Shri V.P. Gupta — *Under Secretary*
4. Smt. Jagriti Tewatia — *Committee Officer*

2. The Committee considered the draft Twenty Seventh and Twenty Eighth Reports and adopted the same with slight modifications.

3. The Committee also authorised the Chairman to finalise and present the Reports to the House.

The Committee then adjourned.