

FIRST REPORT
COMMITTEE ON PETITIONS
(FIFTEENTH LOK SABHA)
MINISTRY OF PETROLEUM AND NATURAL GAS
(Presented to Lok Sabha on 16.03.2010)



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COMPOSITION OF THE COMMITTEE ON PETITIONS

Shri Anant Gangaram Geete — *Chairman*

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3. Shri Khiladi Lal Bairwa
4. Shri E.T. Mohammed Basheer
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FIRST REPORT OF THE COMMITTEE ON PETITIONS

(FIFTEENTH LOK SABHA)

INTRODUCTION

I, the Chairman, Committee on Petitions, having been authorized by the Committee to present the Report on their behalf, present this First Report of the Committee to the House on the following matters:—

- (i) Action taken by the Government on the recommendations of the Committee on Petitions (14th Lok Sabha) in their Forty Fifth Report on the representation from Smt. Suprabha requesting to enquire into the irregularities in the allotment of Petrol Pump located at Gannaur Railway Road, Sonapat, Harayana.
- (ii) Action taken by the Government on the recommendations of the Committee on Petitions (14th Lok Sabha) in their Forty Fifth Report on the representation from Dr. K.R. Chaudhary of Tehsil Itwa, Uttar Pradesh alleging about irregularities in award of dealership of IOCL at Itwa.
- (iii) Action taken by the Government on the recommendations of the Committee on Petitions (14th Lok Sabha) in their Forty Fifth Report on the representation from Smt. Premlata Arora of Bareilly and forwarded by Kunwar Sarvraj Singh, MP regarding delay in allotment of Petrol Pump under Defence quota by IOCL at Bareilly.

2. The Committee considered and adopted the draft First Report at their sitting held on 17th December, 2009.

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

NEW DELHI;
17 December, 2009

26 Agrahayana, 1931 (Saka)

ANANT GANGARAM GEETE,
Chairman,
Committee on Petitions.

CHAPTER I

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (FOURTEENTH LOK SABHA) IN THEIR FORTY FIFTH REPORT ON THE REPRESENTATION FROM SMT. SUPRABHA REQUESTING TO ENQUIRE INTO THE IRREGULARITIES IN THE ALLOTMENT OF PETROL PUMP LOCATED AT GANNAUR RAILWAY STATION, SONEPAT, HARYANA

The Committee on Petitions (14th Lok Sabha) in their Forty Fifth Report presented to Lok Sabha on 17th December, 2008 on the representation from Smt. Suprabha requesting to enquire into the irregularities in the allotment of petrol pump located at Gannaur Railway Station, Sonapat, Haryana.

1.2 The Committee had made certain observations/recommendations in the matter and the Ministry of Petroleum and Natural Gas were requested to implement those recommendations and furnish their action taken notes for the consideration of the Committee.

1.3 Action taken notes have been received from the Ministry of Petroleum and Natural Gas *vide* their O.M dated 8th July, 2009 in respect of all the recommendations contained in the Report. The recommendations made by the Committee and the replies thereto furnished by the Ministry are detailed in the succeeding paragraphs.

1.4 In paras 1.22, 1.23, 1.24, 1.25, 1.26 and 1.27 of the Report, the Committee had observed/recommended as follows:—

“The Committee note that the petitioner had applied for Retail Outlet (RO) at Railway Road, Gannaur in Sonapat, District Haryana under Open category for women in response to an advertisement published by BPCL on 06.06.2005. The interview for the said RO was held on 17.08.2005 in which only two applicants appeared. According to the petitioner, she was declared second although she deserved to be ranked first. The petitioner has alleged that marks given to her were not fair and she had not been properly assessed on various parameters *viz.* education, financial capability, project report, age, personality and her business ability and experience.”

(Para 1.22)

“According to the BPCL, the land offered by the petitioner was outside the advertised location. Hence, no marks were awarded to the petitioner. Under the parameter ‘Capability to provide finance’, the certificate issued by the bank was not as per the format and the petitioner had failed to produce the passbook of her husband. Under the parameters, ‘Education’, ‘Age’, ‘Project Report’ and ‘Tied up Volume’, correct marks were awarded to the petitioner.

Under the parameter, 'Experience', no experience certificate was enclosed along with the application by the petitioner. Under the parameters, 'Assessment' and 'Business Publicity and Personality' correct marks were awarded by the Selection Committee on the basis of the performance of the petitioner during the interview. Thus, according to the Ministry/BPCL, the allegations made by the petitioner were not substantiated."

(Para 1.23)

"During the course of evidence held on 15.02.2007, the Committee were also informed that there were only two candidates for the open women rural RO advertised by BPCL for which interview was conducted on 17.08.2005. Besides the petitioner, the other candidate was Smt. Rina Rani. Candidates were evaluated against 85 marks under rural category, for capability to provide infrastructure and facilities – 20 marks, capability to arrange finance— 25 marks, educational qualification – 15 marks, capability to generate business – 10 marks, age – 4 marks, experience – 4 marks, business acumen – 5 marks, personality – 2 marks. Smt. Rani, being a widow, became eligible under the corpus fund categorization. Thus, she was evaluated against 40 marks because 'capability to provide infrastructure' and 'capability to arrange finance' would be taken care of by the company. On the other hand, the petitioner, coming under open women category, was evaluated under 'all criteria'. Since the land offered by the petitioner was not in the area advertised, she was evaluated against 65 marks instead of 85 marks. Thus, Smt. Rani scored a total of 34.2 marks out of 40 marks, while the petitioner scored 33.5 marks out of 65 marks. Ultimately, while Smt. Rani got 85.4% marks, the petitioner got only 51.5% marks and accordingly, Smt. Rani was selected for running the RO as she was a widow and eligible for the corpus fund."

(Para 1.24)

"During the course of examination, it was revealed that although the RO under reference was under open category for women, the same was not specifically meant for widow. The Secretary, MOP&NG also opined during the course of evidence that as per rules, the vacancy for the RO, should be filled only with the category for which it was advertised. Secondly, while the petitioner claimed that the land offered by her fell within the advertised area, the Oil Company maintained the contrary position and thus no marks were given to the petitioner for the land offered by her. It also came to the notice of the Committee that the site offered by the petitioner was verified by the officials of the company with the local land officers, who in the opinion of the Committee were not competent to give such certificate on the matter. During the course of evidence, the Secretary, MOP&NG was also candid enough to accept the fact that in case of any doubt, the District Collector is the authority, to certify the location of the land and get the certificate with regard to location of the land as offered by the petitioner. The Committee, therefore, asked the Ministry/Company to call the requisite certificate from the District Collector/ Revenue Authority in order to verify the location of the land

offered by the petitioner. In pursuance thereof, the Committee were informed that Deputy Commissioner, Sonapat, Haryana was requested *vide* letter dated 12.02.2007 to clarify as to whether the land offered by the petitioner falls within the advertised location and as per the report/clarification dated 17.07.2007 received from the Deputy Commissioner, Sonapat, the land offered by the petitioner is located in village Gadi Kesri, which falls under the jurisdiction of Gannaur. In view of the foregoing, the Committee are of the view that by ignoring the contention of the petitioner, the first empanelled candidate namely Smt. Rani was given undue benefit in the allotment of the RO by the oil company.”

(Para 1.25)

“During the course of evidence, it came to the notice of the Committee that the location under reference was re-advertised and re-interview was conducted by the oil company for allotment of RO, without even informing the Committee particularly when the matter was before them for examination. The Committee strongly deplore this kind of attitude and approach of the Ministry/BPCL.”

(Para 1.26)

“From the facts placed before them, the Committee are convinced that there was irregularity in the selection of candidate for the RO which was meant only for General Women category. It appears that either the guidelines on the issue are ambiguous giving scope for manipulation or have not been interpreted in its true spirit. As a result thereof, the petitioner was adversely affected. The Committee are of the view that if the intention of the oil company was to allot the location to a widow then the location in the very first instance should have been specifically advertised for widow category and the open category candidates should not have been mixed with the reserved category candidates. It was also confirmed that the land offered by the petitioner was very well within the advertised location and if she had been given due marks for the land offered by her, she would have been easily empanelled first for allotment of the RO for the location. The Committee, therefore, recommend that a fresh panel may be formed on the basis of interview held earlier giving due weightage to the land offered by the petitioner and in true spirit of the extant guidelines and the reservation provided therein. Appropriate action in this regard should be initiated immediately so that the RO is commissioned for the advertised location without further delay. The Committee also recommend that in future while advertising vacant ROs for various locations in the country, the Oil Companies should invariably, specifically and clearly mention the category against which the RO would be filled up or allotted. If felt necessary, the guidelines of the oil companies in this regard should be suitably modified so that there is no scope for any ambiguity or irregularity later on in the selection of the candidates for the allotment of RO from the category for which it is actually meant for. The Committee would also like to be apprised of the action taken in this regard within a period of three months.”

(Para 1.27)

1.5 In their reply, the Ministry of Petroleum and Natural Gas have stated as follows:—

“On 17.7.2007, the District Commissioner of Sonapat, Haryana clarified that the land offered by Smt. Suprabha fall within the advertised location. Since, the interview held earlier, the land offered by Smt. Suprabha was not considered on account of the report that the offered land does not fall within the advertised area, and in order to give effect to this clarification, BPCL conducted re-interview of candidates in accordance with the extant guidelines on the matter and on the advice of the Ministry. The location was not re-advertised as mentioned in the observation of the Hon’ble Committee. In the re-interview Smt. Reena Rani, a widow, was again selected as the first empanelled candidate. The selection of Smt. Reena Rani as the first empanelled candidate in both the first and second interview were made by BPCL in accordance with Ministry’s guidelines dated 4.2.2002 (copy enclosed), which give special preferences for widows and unmarried women. The relevant portion of the above guidelines is reproduced as under:

“Widows and unmarried women above 40 years of age without earning parents applying for dealerships/distributorships reserved for women will not be judged under the parameters ‘capability to arrange finances’ and ‘capability to provide infrastructure and facilities (land, godown, showroom, etc.)’. *For determining priority to be given to such candidates over other women, the marks secured by other women under the aforesaid parameters will be excluded from the total marks secured by them.*”

In accordance with the aforesaid guidelines, Smt. Reena Rani (a widow) scored more marks than Smt. Suprabha (who is not a widow or unmarried women above 40 years of age) under various relevant parameters (excluding land and finance).

In the re-interview, Smt. Suprabha was again awarded zero marks under ‘land’ as the land offered by her, though accepted now to be located within the advertised area, was found by BPCL to be unsuitable for setting up of RO dealership due to following reasons:

- (a) The combined plot no. of 22/12 & 22/19 belonging to Shri Ram Karan and Smt. Urmila Devi, which was offered by Smt. Suprabha through agreement to sale is not sufficient for putting up a retail outlet as this is only 241 sq. yards.
- (b) The plot no.22/20/1 belonging to Smt. Rajbala which was offered by Smt. Suprabha through agreement to sale of is not sufficient for putting up a RO as this is only 84 sq. yards.
- (c) The plot at Sl. Nos. (a) & (b) cannot be considered jointly as they are separated by a plot belonging to some third party.

It would be worthwhile to mention here that it would not have made any difference in the outcome of the selection process even if Smt. Suprabha was

awarded full marks under the parameter “land” as the guidelines said that for determining priority to be given to widows/unmarried women over other women, the marks secured by other women under the parameters ‘land’ and ‘finance’ will be excluded from the total marks secured by them. It may be noted here that as per the extant guidelines, there is no separate category for ‘widows and unmarried women above 40 years of age without earning parents’ and such persons can avail the benefit accorded to them by the aforesaid guidelines whenever they apply for dealership/distributorship reserved for women.

As discussed during the Oral Evidence of the Ministry taken by the Hon’ble Committee on 15.2.2007, a proposal for amending the above mentioned guidelines that give preferences to widows and unmarried women has been under consideration in the Ministry for sometime, but the same is yet to be approved by the competent authority. However, even if there is a change of guidelines, the same will have prospective effect only and will not invalidate the selections already made under the said guidelines. Hence the selection of Smt. Reena Rani for RO dealership of BPCL for location Gannaur Railway Station, District Sonapat, Haryana was done in accordance with the extant guidelines.”

Observations/ Recommendations

1.6 The petitioner namely Smt. Suprabha applied for Retail Outlet (RO) at Railway Road, Gannaur, District Sonapat, Haryana under Open category for women in response to an advertisement published by the Bharat Petroleum Corporation Limited (BPCL) on 06 June 2005. The petitioner, contended that she was not properly assessed on various parameters viz. education, financial capability, project report, age, personality and her business ability and experience for selection for allotment of the dealership for the said RO.

1.7 According to the Ministry, the land offered by the petitioner was out side the area advertised and the other candidate namely Smt. Reena Rani got more marks than the marks obtained by the petitioner and accordingly, Smt. Rani was selected for running the RO. During the course of examination, it came to the notice of the Committee that although the RO under reference was under open category for women, the same was not specifically meant for widow. Secondly, the site offered by the petitioner was within the location advertised by the BPCL. The Committee, therefore, recommended that a fresh panel may be formed giving due weightage to the land offered by the petitioner. The Committee also recommended that the Oil Companies should also modify their guidelines so that in future the RO could be filled up or allotted only against the category for which the RO has been advertised.

1.8 The Committee have now been informed that the BPCL conducted re-interview of candidates in accordance with the extant guidelines on the matter. In the re-interview, the petitioner was again awarded zero marks under the parameter ‘land’ as the land offered by her, though within the advertised area, was found by the BPCL to be unsuitable for setting up of Retail Outlet (RO). In the said re-interview, Smt. Reena Rani, a widow, was again selected as the first empanelled candidate in

accordance with the guidelines which give special preferences for widows and unmarried women above 40 years of age. According to the Ministry, it would not have made any difference in the outcome of the selection process even if the petitioner was awarded full marks under the parameter 'land' as, widow/unmarried women are given priority over other women after excluding the marks secured by them under the parameters 'finance' as well as 'land' from the total marks secured by them, as per the guidelines.

1.9 The Committee have also been informed that a proposal for amending the guidelines that give preferences to widows and unmarried women has been under the consideration of the Ministry for some time but the same is yet to be approved by the competent authority. According to the Ministry, even if there is a change of guidelines, the same will have prospective effect only and will not invalidate the selection already made under the guidelines, according to which Smt. Rani has been selected for RO dealership of BPCL for location Gannaur Railway Station, District Sonapat, Haryana.

1.10 The Committee would like to reiterate that the guidelines of the Oil Company to regulate selection of candidates of RO specially meant for women category are ambiguous which give scope for ambiguity and cause for complaints from various quarters. The Committee are of the opinion that no additional advantage should be given to any class or category of candidates if the locations advertised by the Oil Company are meant for 'open' category candidates, unless the same are advertised for special category or class of candidates. The Committee note that the proposal for necessary amendment/modification in the guidelines are under consideration of the Ministry and are awaiting approval of the competent authority. The Committee hope that the revised guidelines would be implemented expeditiously leaving no scope for any ambiguity or cause for any grievance. The Committee would like to be apprised of the conclusive action taken in this regard.

CHAPTER II

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (14TH LOK SABHA) IN THEIR 45TH REPORT ON THE REPRESENTATION FROM DR. K.R. CHAUDHARY OF TEHSIL ITWA, UTTAR PRADESH ALLEGING IRREGULARITIES IN AWARD OF THE DEALERSHIP OF IOCL AT ITWA

The Committee on Petitions (14th Lok Sabha) in their Forty Fifth Report presented to Lok Sabha 17th December, 2008 on the representation from Dr. K.R. Chaudhary of Tehsil Itwa, Uttar Pradesh alleging irregularities in award of the dealership of IOCL at Itwa.

2.2 The Committee had made certain observations/recommendations in the matter and the Ministry of Petroleum and Natural Gas were requested to implement those recommendations and furnish their action taken notes for the consideration of the Committee.

2.3 Action taken notes on the observations/recommendations contained in the Report have been received from the Ministry of Petroleum and Natural Gas *vide* their O.M dated 9th October, 2009. The observations/recommendations made by the Committee and the replies thereto furnished by the Ministry are detailed in the succeeding paragraphs.

2.4 In paras 2.8, 2.9, 2.10 and 2.11 of the Report, the Committee had observed/ recommended as follows:—

“The Committee note from the submission of the petitioner that he applied for Retail Outlet (RO) dealership of IOCL at location Itwa – Domariyaganj Road, District Sidharth Nagar, U.P. He was called for interview for the award of dealership. According to the petitioner, he was awarded 50.7 marks out of 100. He alleged that the documents furnished by him were not assessed properly by the Selection Committee and no marks were given to him under ‘capacity to provide infrastructure and facility’. Thus, he was deprived of getting the required marks to obtain the dealership. In this context, the petitioner stated that he offered four sites of land for on long term lease basis to the IOCL as also the ‘No Objections’ and Affidavits of all concerned alongwith the application for the dealership for the said location. All the aforesaid sites were on the main road with good locations and having potential for fetching good revenue. He also had all the resources to stand for the facilities to be provided by IOCL. The petitioner further stated that in pursuance of his complaint in the matter, he was called in IOCL office at Kanpur on 9 November, 2005, with relevant documents for verification. After verifying the documents,

it was found that the mistakes were committed by the Interview Committee as all his documents were found complete in all respects by the IOCL official. The petitioner, therefore, requested for investigation into the matter and award of dealership of the RO at the said location to him.”

(Para 2.8)

“The Committee note from the reply of the Ministry of Petroleum and Natural Gas (MoP&NG)/IOCL that on receipt of the complaints against the declaration of ‘Nil Panel’ result on 4.8.2005 for selection of RO dealership at location Itwa, investigation was conducted by IOCL as per the extant policy in which it was observed that the Dealer Selection Committee (DSC) for the subject RO had erred in awarding zero marks to the petitioner under the parameter ‘capacity to provide infrastructure and facility’. Further, the Investigating Officer (IO) recommended that all the eligible applicants may be re-interviewed for selection of dealership of the RO. As per the revised norms of feasibility for setting up of ROs, the feasibility had been worked out for the subject location and the re-interview was proposed to be held during February 2007. A disciplinary action was also initiated against erring DSC members as per the rules of the Corporation. During the course of evidence of the MoP&NG/ IOCL, the Committee were also informed that it was a mistake on the part of the DSC that the land of the petitioner was not taken into account and as such no marks were given to him. According to the Ministry/IOCL, the petitioner would have got the allotment for the dealership, if appropriate marks had been given to the petitioner for the land offered by him. However, the Committee are amazed to note from the subsequent replies submitted by the Ministry/IOCL, that the members of DSC who were charge sheeted in accordance with CDA rules had submitted in their reply that the action taken by them in awarding zero marks to the petitioner was not wrong since the affidavit submitted by the petitioner in his application form did not contain details of the offered land, such as Khasra number, name of village or location of land, etc. The IOCL had concluded that conducting of re-interview of the eligible candidate would not change the status of the earlier ‘NIL’ panel. Therefore, the competent authority of the IOCL had decided not to conduct re-interview and to re-advertise the subject location Itwa, if found feasible for setting up of R.O.”

(Para 2.9)

“From the facts enumerated above, the Committee are surprised and anguished to note that the Ministry/IOCL are not consistent on their stand and have taken a decision as per their whims and convenience on the issue, contrary to the findings of the Investigating officer. The Committee fail to understand as to how the petitioner could be given zero marks by the DSC for the land offered by him if the relevant documents as well as ‘No Objections’ and Affidavits from all concerned were submitted by him along with the application for the dealership. These documents were also verified by the IOCL official

subsequently, as claimed by the petitioner and were found to be in order. It is intriguing to note that the Ministry/IOCL came to the conclusion against holding re-interviews of the eligible candidates including the petitioner in spite of the report of the IO who conducted the investigation as per the extant policy of the Oil Company. In his findings, the IO had clearly observed that DSC for the subject RO had erred in awarding zero marks to the petitioner under the parameter 'capability to provide infrastructure and facility'. As a result thereof, the petitioner was deprived of the opportunity to get selected and empanelled for award of dealership. The Committee feel that, in the process, the petitioner had to suffer inconvenience and harassment for no fault on his part. The Committee regret to note that the Ministry/IOCL seem to have relied more on the submissions of the charged officers of the DSC rather than to going by the findings of the IO in their attempt to shield the guilty officials. In the opinion of the Committee, the findings of the IO were already accepted by the Ministry and Director (Marketing), IOCL accepted their mistake and assured to take action against the guilty officials. The Committee are, therefore, convinced that the discrepancies subsequently pointed out in the affidavit of the petitioner is clearly an after thought to protect the erring officials of DSC."

(Para 2.10)

"In view of the foregoing, the Committee recommend that re-interview as proposed earlier by the IOCL may be conducted for the subject RO dealership at location Itwa without further delay. The Committee also desire that action should also be taken against the officers for their lapses and irregularity in the selection of candidates for award of the dealership. The Committee would like to be apprised of the action taken in this regard within a period of three months."

(Para 2.11)

2.5 The Ministry of Petroleum and Natural Gas in their reply, have stated as follows:—

"The case has been re-examined in detail in the Ministry. It has been observed that the annexure to the affidavit submitted by the petitioner, Dr. K.R. Chaudhary, contains the details of land offered for setting up of the Retail Outlet dealership. Hence, IOC has been advised to conduct re-interview of the candidates, taking cognizance of the annexure to the affidavit submitted by Dr. K.R. Chaudhary."

Observations/Recommendations

2.6 In his representation, the petitioner namely Dr. K.R. Chaudhary of Tehsil Itwa, Uttar Pradesh stated that he had applied for Retail Outlet (RO) dealership of IOCL at location Itwa, Domariyaganj Road, District Sidharth Nagar, U.P. According to the petitioner, the documents furnished by him were not assessed properly by the Selection Committee and no marks were given to him under 'capacity to provide infrastructure and facility'. Consequently, he was deprived of getting the required marks to obtain the dealership.

2.7 The Committee were informed by the Ministry of Petroleum and Natural Gas (MoP&NG) that the IOCL conducted an investigation into the matter and it was observed that the Dealer Selection Committee (DSC) for the subject RO had erred in awarding zero marks to the petitioner under the parameter 'capacity to provide infrastructure and facility'. Further, the Investigating Officer (IO) recommended that all the eligible applicants may be re-interviewed for selection of dealership of the RO. Accordingly, the IOCL decided to re-interview the candidates during February, 2007 and also initiated disciplinary action against erring DSC members as per the rules of the Corporation. However, subsequently, the IOCL took a contrary stand on the basis of explanation given by the charge sheeted members of DSC and decided to re-advertise the subject location Itwa for setting up of RO. After going through all the aspects of the case, the Committee had recommended that re-interview as proposed by the IOCL might be conducted for the location Itwa without further delay and that action might also be initiated against the officers for their lapses and irregularity in the matter.

2.8 The Committee note with satisfaction that at their instance the case of the petitioner has been re-examined by the Ministry of Petroleum and Natural Gas (MoP&NG) and it has been revealed that the annexure to the affidavit submitted by the petitioner contains the details of the land offered by him for setting up of the Retail Outlet dealership at Itwa. The Indian Oil Company Limited (IOCL) has also been advised by the Ministry to conduct re-interview of the candidates taking cognizance of the annexure to the affidavit submitted by the petitioner. The submission of the Ministry clearly vindicates the claim of the petitioner that documents furnished by him were not assessed properly by the Dealer Selection Committee (DSC) and in the process they were wrong in awarding him 'zero' marks under the parameter "Capacity to provide infrastructure and facility". In fact during the course of evidence, the MOP&NG/IOCL had initially accepted that the DSC had erred in awarding no marks to the petitioner under the said parameter. But later on, the IOCL took a stand contrary to the findings of the investigating officer into the matter and decided to re-advertise the subject location instead of holding re-interview of the candidates. As a result thereof, the petitioner was deprived of the opportunity to get empanelled for award of dealership for the subject location Itwa.

2.9 The Committee now trust that the proposed re-interview of the candidates including petitioner would be conducted without further delay so that the Retail Outlet at Itwa is commissioned at the earliest. The Committee also hope that the selection procedure will be objective and transparent and strictly in accordance with guidelines and policy of the oil company leaving no scope for any discrepancy or irregularity which would give any cause for any grievance or complaint from any quarter. The Committee also reiterate that action should also be initiated against the officials guilty for their lapses and irregularity in the selection of candidates for award of dealership for the subject location so that such lapses are not repeated in future and the candidates like the petitioner in the instant case are not subjected to unnecessary harassment and mental agony. The Committee would also like to be apprised of the action taken in the matter.

CHAPTER III

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (14TH LOK SABHA) IN THEIR 45TH REPORT ON THE REPRESENTATION FROM SMT. PREMLATA ARORA OF BAREILLY AND FORWARDED BY KUNWAR SARVARAJ SINGH, MP REGARDING DELAY IN ALLOTMENT OF PETROL PUMP UNDER DEFENCE QUOTA BY IOCL AT BAREILLY

The Committee on Petitions (14th Lok Sabha) in their Forty Fifth Report presented to Lok Sabha on 17th December, 2008 on the representation from Smt. Premlata Arora of Bareilly and forwarded by Kunwar Sarvaraj Singh, MP regarding delay in allotment of petrol pump under defence quota by IOCL at Bareilly.

3.2 The Committee had made certain observations/recommendations in the matter and the Ministry of Petroleum and Natural Gas were requested to implement those recommendations and furnish their action taken notes for the consideration of the Committee.

3.3 Action taken notes have been received from the Ministry of Petroleum and Natural Gas *vide* their O.M dated 30th April, 2009 in respect of all the recommendations contained in the Report. The recommendations made by the Committee and the replies thereto furnished by the Ministry are detailed in the succeeding paragraphs.

3.4 In paras 4.22 to 4.25 of the Report, the Committee had observed/recommended as follows:—

“The Committee note from the submission of the petitioner, Smt. Premlata Arora, R/o Bareilly, U.P. that she was allotted a Retail Outlet (RO) at Bareilly City on the basis of interview held on 21 June, 2004 by the IOCL, after the martyrdom of her son late Lt. Pankaj Arora who gave supreme sacrifice while fighting with terrorists in Rajouri Sector of Jammu & Kashmir in August, 2003. Letter of Intent (LOI) for the RO dealership at Bareilly city was also issued by the IOCL *vide* letter dated 30 August, 2004. But since then, the IOCL has not made any meaningful efforts for acquisition of land for setting up of the RO. According to the petitioner, the IOCL do not seem to be interested to give the right which a martyr’s family deserves. In response to an advertisement published by the IOCL on 07.09.2007, the petitioner had also applied for the distributorship of LPG. The petitioner therefore, requested that either a time limit be fixed for setting up of the allotted RO by the IOCL or LOI be issued to her for LPG distributorship.

(Para 4.22)

“The Committee were informed by the MoP&NG that a Letter of Intent (LOI) was issued to the petitioner on 30.06.2004 for RO dealership at Bareilly City

on the basis of interview held on 21.06.2004. The LOI was issued following the normal selection process for RO dealership under 'Defence (Women)' category. As per the extant policy, LOI holder was required to offer a suitable plot of land to the IOCL so as to facilitate development of RO. But, this being a case of martyr's mother, efforts were also made by IOCL to procure land from Government and private agencies for development of the RO. The IOCL had also tried to facilitate her in procurement of land by coordinating with different local Government agencies including local Army establishment at Bareilly. However, all these efforts did not yield any results. Consequently, advertisements were published on 11.12.2004, 16.09.2005, 15.07.2007, 23.01.2008 and 18.07.2008, but no suitable land could be obtained. Since the petitioner could not provide suitable land and the efforts of IOCL could not succeed in obtaining suitable land, there is delay in commissioning of dealership."

(Para 4.23)

"As regards allotment of LPG distributorship at Bareilly for which the petitioner has also applied against advertisement dated 07.09.2007, the Committee were informed that the application of the petitioner was not found suitable since she already holds LOI for RO dealership for location Bareilly city. As per policy guidelines, applicants who are holding LOI in their own name or in the name of their family members dealership/ distributorship or LOI for dealership/ distributorship of any oil company are not eligible for making applications for award of fresh dealership/ distributorship."

(Para 4.24)

"The Committee are anguished to note that the RO allotted to the petitioner could not be commissioned even after 4 years of its allotment. As a result thereof, she has to suffer great harassment and inconvenience. The very fact that the petitioner has to approach the Committee for redressal of her grievance on the issue amply shows the manner in which the martyr's family has been treated with by the Oil Company. The Committee are of the view that once the LOI is issued to any individual, then it should be the responsibility of the Oil Company to make efforts to commission the RO at the earliest in order to avoid unnecessary harassment and inconvenience to the applicant. The Oil Company can not simply put the entire responsibility on the applicant for the commissioning of the allotted RO. It is surprising to note that the Oil Company could not arrange and acquire a suitable plot of land to the petitioner, even after 4 years. This only shows that there is lack of adequate and coordinated efforts on the part of the Oil Company. The Committee strongly deprecate the utter lack of will and sincerity on the part of IOCL, which did precious little but for issuing three advertisements in first three years with 3rd advertisement being issued after a gap of nearly two years. Being the mother of martyr's soldier, the Committee are of the view that such cases should be taken on priority and treated on different footing from the applicants of general category. The Ministry, being the nodal agency, also can not absolve their responsibility

in regulating such cases. The Committee regret to note that there is no time frame for commissioning of RO after issue of LOI to the applicant. Consequently, the Ministry/Oil Company are not bound by the commitment to commission the RO without undue delay. The Committee, therefore, recommend that the guidelines in this regard should be suitably amended in order to fix time limit to commission the RO for which LOI has already been issued to the selected candidate. In case, the RO is not commissioned, for one reason or the other, an immediate alternate arrangement should be worked out to help the candidate. During the course of evidence, the Committee were assured by the Oil Company that every effort will be made to commission the RO of the petitioner within a period of six months and in case the same does not happen, the Oil Company will work out an alternate arrangement in order to redress the grievance of the petitioner. The Committee, therefore, recommend that the MoP&NG/ Oil Company should take conclusive action in this regard expeditiously, so that the RO of the petitioner is commissioned without further delay, alternatively her application for allotment of LPG distributorship should be considered immediately to enable her tide over the mental agony and financial hardship. The Committee would like to be apprised of the action taken in this regard within a period of 3 months.”

(Para 4.25)

3.5 The Ministry of Petroleum and Natural Gas in their reply have stated as follows:—

“Retail Outlet (RO) dealership at Bareilly city was advertised under ‘Defence (W)’ category as an ‘A’ Site dealership and the interviews were conducted on 21.06.2004 under the normal selection process. Smt. Premlata Arora was the only eligible candidate and she was placed as the first empanelled candidate in the merit panel. After conducting Field Investigation Report (FIR), Letter of Intent (LOI) was issued to her on 30.6.2004.

Since the petitioner is already holding an LOI for RO dealership for location Bareilly City, she is not eligible to apply for LPG distributorship or any other dealership/distributorship of petroleum products of public sector oil marketing companies (OMCs). As per policy guidelines on Multiple Dealership Norms, applicants who are holding LOI in their own name or in the name of their family members, dealership/distributorship of any oil company are not eligible for making applications for award of fresh dealership/distributorship.

As per the terms of the advertisement for the subject location and as per the term of the LOI, it is the responsibility of the LOI holder, Smt. Premlata Arora to offer a suitable plot of land on which IOC would develop infrastructure for RO as per policy. Further, in her application for the subject RO dealership, Smt. Premlata Arora has stated that she can arrange land. However, the LOI holder could not arrange suitable land as per the terms of the LOI. Being a mother of Martyr Lt. Pankaj Kumar, the case was considered sympathetically by IOC and the corporation had tried to assist her in procurement of land by

coordinating with different local Government agencies including local Army establishment at Bareilly. However, all these efforts did not yield any results. Advertisements were published on 11.12.2004, 16.09.2005, 15.7.2007, 23.01.2008 and 18.7.2008, but no suitable land could be obtained.

Subsequent to the Oral Evidence taken by the Committee on Petitions in 2008, IOC has made several attempts to procure suitable land from various authorities as per the details indicated below:—

Sl. No.	Name of the Authority	IOC's request letter dated	Remarks
1.	Asstt. Commissioner, Awaas Vikas Parishad, Bareilly	06.10.2008 and 07.11.2008	Regret letter dated 18.11.2008 received
2.	Vice-Chancellor, MJP Rohilkhand University, Bareilly	06.10.2008 and 07.11.2008	No response received
3.	City Magistrate, Bareilly	06.10.2008 and 07.11.2008	No response received
4.	Vice-President, Bareilly Development Authority	06.10.2008 and 07.11.2008	No response received
5.	Nagar Ayukt, Nagar Nigam, Bareilly	06.10.2008 and 07.11.2008	No response received

The Officers of IOCL had also spoken with the above authorities with a request for allotment of suitable land. However, no positive response for providing suitable land for development of Retail Outlet was received from these authorities despite regular follow up.

Subsequently, an advertisement dated 16.12.2008 was issued by IOC inviting offer of land from landowners. Nine responses have been received out of which six sites were found to be technically suitable for setting up of an RO. A Negotiation Committee has been formed and the negotiation with the landowners are expected to be held during April 2009.”

Observations/Recommendations

3.6 In her representation, Smt. Premlata Arora, r/o Bareilly, U.P. stated that she was allotted a Retail Outlet (RO) at Bareilly City on the basis of interview held on 21 June, 2004 by the Indian Oil Corporation Limited (IOCL) after the martyrdom of her son late Lt. Pankanj Arora . A Letter of Intent (LOI) for the RO dealership was issued to her by IOCL *vide* letter dated 30 August, 2004. But since then, the IOCL had not made any meaningful efforts for acquisition of land for setting up of the RO.

3.7 The Committee were informed by the Ministry of Petroleum and Natural Gas (MOP&NG) that as per the extant policy, a LOI holder was required to offer a suitable plot of land to the IOCL so as to facilitate development of RO. But this being

a case of martyr's mother, efforts were also made by IOCL to procure land from Government and private agencies for development of the RO. The IOCL had also tried to facilitate her in procurement of land by coordinating with different local Government agencies including local Army establishment at Bareilly. However, all these efforts did not yield any results. Consequently, several advertisements were published but no suitable land could be obtained. After going through all aspects of the case, the Committee had recommended that the RO of the petitioner should be commissioned without further delay and the guidelines of the Oil Company should be suitably amended in order to fix time limit to commission the RO for which LOI has already been issued to the selected candidate failing which an alternate arrangement should be worked out to help the candidate.

3.8 The Committee regret to observe that the RO allotted to the petitioner is yet to be commissioned even after a lapse of more than 5 years of its allotment. It is surprising that the Indian Oil Corporation Limited (IOCL) could not arrange or acquire a suitable plot of land for establishment of the Retail Outlet (RO) for the petitioner over the years. During the course of evidence, the Committee were assured by the Oil Company that every effort will be made to commission the RO of the petitioner within a period of six months and in case, the RO is not commissioned, for one reason or the other, an immediate alternate arrangement will be worked out by them. The Committee, however, regret to note that neither the Oil Company could acquire a suitable piece of land for the establishment of the RO of the petitioner nor they have worked out any alternate arrangement to address the grievance of the petitioner in spite of the assurance given to the Committee.

3.9 The Committee have now been informed that the IOCL have received nine responses with reference to their advertisement dated 16.12.2008 inviting offer of land from landowners. Out of these nine responses, the IOCL have found six sites technically suitable for setting up of the RO for which a Negotiation Committee has been constituted to negotiate with the landowners. The Committee expect the IOCL to pursue the matter vigorously so that the requisite piece of land is acquired for establishment of the RO without any further delay.

3.10 The Committee are constrained to point out that the reply of the Ministry is silent about the specific recommendation of the Committee that a suitable amendment/modification should be carried out in the guidelines of the Oil company so that they are bound to commission the RO without any inordinate delay and in case of its failure to commission the RO, an alternate arrangement is worked out by the Oil company to enable the candidate to tide over his mental agony and financial hardship. The Committee would like the Ministry to bring about such changes in the guidelines at the earliest and informed them about the action taken in this regard.

NEW DELHI;
16 March, 2010
25 Phalguna, 1931 (Saka)

ANANT GANGARAM GEETE,
Chairman,
Committee on Petitions.

MINUTES OF THE THIRD SITTING OF THE COMMITTEE ON PETITIONS
(FIFTEENTH LOK SABHA)

The Committee on Petitions sat on Thursday, 17th December, 2009 from 1600 hours to 1715 hours in Committee Room 'B', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Anant Gangaram Geete — *Chairman*

MEMBERS

2. Shri Rajendra Agarwal
3. Shri Khiladi Lal Bairwa
4. Shri E.T. Mohammed Basheer
5. Shri N.S.V. Chitthan
6. Shri Gurudas Dasgupta
7. Shri Dip Gogoi
8. Shri Jagdambika Pal
9. Prof. Ramshankar
10. Shri Sarvey Sathyanarayana
11. Dr. Sanjay Singh
12. Shri Joseph Toppo

SECRETARIAT

1. Shri Ashok Sarin — *Joint Secretary*
2. Shri V.R. Ramesh — *Director*
3. Shri U.B.S. Negi — *Additional Director*

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6. The Committee then considered and adopted the following Reports without any modifications:—

- (i) First Report on the action taken by the Government on the recommendations contained in their Forty Fifth Report (14th Lok Sabha) on the representations regarding delay in allotment of petrol pump under Defence quota by IOCL at Bareilly, UP; irregularities in award of the dealership of IOCL at Itwa, District Sidharth Nagar, UP; and in the allotment of petrol pump located at Gannaur Railway Road, Sonapat, Haryana.
- (ii) Second Report on the action taken by the Government on the

recommendations contained in their Forty Sixth and Forty Eighth Reports (14th Lok Sabha) on the petition/representation regarding demand of casual workers employed by the HAL, Nasik Division; and loss of revenue to the Government as a result of Advertisement Policy of Central Warehousing Corporation respectively.

7. The Committee authorized the Chairman to finalize these Reports and present the same to the House.

The Committee then adjourned.