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FCS & CA

No.17(20)/2017-Expls  
Government of India  
Ministry of Commerce & Industry  
(Department of Industrial Policy & Promotion)



Udyog Bhawan, New Delhi  
Dated the 21<sup>st</sup> March, 2017

Office of the Chief Secretary  
Government of Assam  
Dispur, Guwahati-781006  
No. 1366  
Date 28-3-17

Com-2 Secy Food & C.S.

Shri P. C. Sarma, IAS  
Chief Secretary  
Government of Assam,  
Assam Sachivalaya, Block C, 3<sup>rd</sup> Floor,  
Dispur, Guwahati-781006



Subject: NOC from District Authority to start new LPG distributorship regarding.

Sir,

It has been brought to the notice of this Department by Ministry of Petroleum & Natural Gas and various stakeholders that through the Gas Cylinders Rules, 2016 [vide GSR No.1081 (E) dated 22.11.2016], obtaining NOC for LPG godown site plan from District Authority has been made mandatory before applying for license to Petroleum and Explosives Safety Organisation (PESO) to construct LPG godown.

2. Since PESO does not have any mechanism to verify the details regarding lawful possession of land and various aspects of public safety, it was considered necessary to include specific provision of NOC from District Authority for the purpose of grant of licence in Form 'F' for LPG godown under Rule 48 of the Gas Cylinders Rules, 2016. Provision related to NOC from District Authority already exists in the erstwhile Gas Cylinders Rules, 2004 for grant of licence in Form 'G' for CNG dispensing station.

3. In view of above, this Department intends to issue guidelines to all District Authorities to issue NOC within a month which will include the period required to obtain comments from authorities concerned for establishment of LPG godown under the Gas Cylinders Rules, 2016. A copy of the said guidelines is sent herewith. It is, therefore, requested that the enclosed guidelines may please be brought to the notice of all the DMs/District Authorities of your State/UT for compliance.

Encl: As above

Yours faithfully,

*A. Murugaiyan*  
(A. Murugaiyan)

Deputy Secretary to Govt. of India

Commissioner & Secretary  
Government of Assam  
Civil Supplies & C.A. Deptt  
Dispur, Guwahati-6  
No. 4979  
Date 29/03/17

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GUIDELINES FOR GRANT OF NO OBJECTION CERTIFICATE (NOC) BY DISTRICT AUTHORITY UNDER RULE 48 OF THE GAS CYLINDERS RULES, 2016 FOR STORAGE OF LIQUEFIED PETROLEUM GAS (LPG) FOR THE PURPOSE OF SALE OR TRADING.

1. As per the provisions of Form 'C' under Schedule V of the erstwhile Gas Cylinders Rules, 2004, approval, clearance, permit as applicable from local administration was required to be submitted for grant of licence in Form 'F' for storage of LPG in the storage shed.

2. Petroleum and Explosives Safety Organisation (PESO) while granting the licence in Form 'F' for storage of LPG, used to get NOC from local administration and granted the licence on the basis of NOC issued by various local authorities viz., Sarpanch, Gram Panchayat, Village Development Officer, Corporator, Sub-divisional Magistrate, Tehsildar etc. Few applicants also used to bring NOC of District Magistrate under the Gas Cylinders Rules, 2004. Since local administration was not defined in the Gas Cylinders Rules, 2004, a number of litigations pertaining to lawful possession of the land, complaints regarding safety hazards were being received by PESO.

3. To address the above issues and also to bring uniformity in procedure, the requirement of NOC from District Authority under Rule 48 of the Gas Cylinders Rules, 2016 has been made mandatory for grant of licence in Form 'F' for storage of LPG, toxic or corrosive compressed gases in cylinders for the purpose of sale/trading. The District Authority has been defined vide Rule 2 (xxi) of the Gas Cylinders Rules, 2016.

4. Since PESO does not have any mechanism to verify the details regarding lawful possession of land and various aspects of public safety, it was considered necessary to include specific provision of NOC from District Authority for the purpose of grant of licence in Form 'F' for LPG godown under Rule 48 of the Gas Cylinders Rules, 2016. It is stated that provision related to NOC from District Authority already existed in the erstwhile Gas Cylinders Rules, 2004 for grant of licence in Form 'G' for CNG dispensing station.

5. The following guidelines may be followed by the District Authority for issuing NOC for LPG godown as required under Rule 48 of the Gas Cylinders Rules, 2016:-

- i) The District Authority shall ensure lawful possession of the land/site by the applicant for developing the premises for storage of LPG in cylinders;
- ii) Public safety, especially with respect to offsite facilities like schools, hospitals, places of assembly in the proximity including accessibility of fire tenders to the site in case of emergency shall be taken into consideration;
- iii) Any other matter pertaining to public safety shall also be considered;
- iv) A decision on an application for NOC should be taken within one month;
- v) The District Authority shall forward the NOC application to concerned offices i.e. revenue, fire, etc. within a week from the date of receipt of application, and concerned offices shall forward their recommendations or otherwise within a period of 15 days. On receipt of the same, the District Authority shall take a decision on the application to issue NOC or otherwise within a week.

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