

CHAPTER V LICENCES

45. Licence for storage of compressed gas.— No person shall store any compressed gas in any vessel except under and in accordance with the conditions of a licence granted under these rules.

46. Prior approval of specification and plans of vessels and premises proposed to be licensed.—

(1) Every person desiring to obtain a licence to store any compressed gas in any vessel shall submit to the Chief Controller---

(i) specifications and plans drawn to scale in triplicate clearly indicating—

(a) the manner in which the provisions prescribed in these rules shall be complied with;

(b) the premises proposed to be licensed, the area of which shall be distinctly coloured or otherwise marked;

(c) the surrounding area lying within 100 metres of the edge of all facilities which are proposed to be licensed;

(d) the position, capacity, materials of construction and ground and elevation views of all vessels, all valves and fittings, filling and discharge pumps and fire-fighting facilities where provided and all other facilities forming part of the premises proposed to be licensed; and

(ii) a scrutiny fee of rupees one hundred paid in the manner specified in Rule 11

(2) If the Chief Controller, after scrutiny of the specifications and plans and after making such inquiries as he deems fit, is satisfied that compressed gas can be stored in the premises proposed to be licensed, he shall return to the applicant one copy each of all the specifications and plans signed by him conveying his sanction which may be subject to such conditions as he may specify.

(46A) No Objection Certificate –

(1) An applicant for a new licence other than a licence in Form IV, shall apply to the District Authority with two copies of site plan showing the location of the premises proposed to be licence under these rules for a certificate to the effect that here is no objection to the applicant's receiving a licence for storage of compressed gas in pressure vessel at the site proposed, and the District Authority shall, if he sees no objection, grant such certificate to the applicant who shall forward it to the Chief Controller with his application.

2. Every certificate issued by the District Authority under sub-rule (1) above shall be accompanied by a copy of the plant of the proposed site duly endorsed by him under official seal.

3. The Chief Controller, may refer an application not accompanied by a certificate granted under sub-rule (1) to the District Authority for his observation.

4. If the District Authority, either on a reference being made to him or otherwise, intimates to the Chief Controller that any licence which has been applied for should not, in his opinion, granted, such licence shall not be issued without the sanction of the Central Government.

5. Notwithstanding anything contained in sub-rules (1) to (4) above, all licences granted or renewed under the said rules prior to the date on which the above provisions come in force, shall be deemed to have been granted or renewed under these rules.

6. The provisions of this rule shall not apply to non-inflammable, non-toxic compressed gases.

47. Licence for transport of compressed gas.—

(1) No compressed gas filled in a vessel shall be transported by a vehicle except under and in accordance with the conditions for a licence granted under these rules.

(2) Nothing in this rule shall apply to the transport of compressed gas filled in a vessel by a railway administration.

48. Grant of licence.—A licence prescribed under these rules shall be granted by the Chief Controller on payment of the fees specified in the Schedule I attached to these rules.

49. Application for licence.—A person wishing to obtain a licence under these rules shall submit to the Chief Controller—

(1) an application—

(a) in Form I, if the application is in respect of a licence to store compressed gas in pressure vessels;

(b) in Form II, if the application is in respect of a licence to transport compressed gas in pressure vessel by a vehicle;

- (c) in Form –IA, if the application is in respect of a licence to store and dispense liquefied petroleum gas as automotive fuel;
- (ii) a certificate of safety under rule 33 or rule 43 as the case may be;
- (iii) a test and inspection certificate as required under sub-rule (2) of rule 12;
- (iv) four copies of the drawings approved by the Chief Controller under rules 35 and 46;
- (v) licence fee as specified in the schedule-1;
- (vi) No Objection Certificate from the District Authority in respect of storage of compressed gas in pressure vessels alongwith the site-plan duly endorsed;
- (vii) Copy of The Registration Certificate of the vehicle issued under Motor Vehicles Act, 1988 (59 of 1988) in respect of mobile pressure vessels for transport of compressed gas .”
- (2) four copies of the drawings approved by the Chief Controller under Rules 35 and 46
50. Period for which licences may be granted or renewed.--
- (1) A licence in Form III or Form-V for the storage of a compressed gas in a pressure vessel, or in Form IV for the transport of the compressed gas in a pressure vessel by a vehicle shall be granted or renewed subject to a maximum three years and shall remain in force until the 31st day of March of the year upto which the same is granted or renewed
- (2) Notwithstanding anything contained in sub-rule (1), the Chief Controller may, if he is satisfied that a licence is required for a specific work which is not likely to last upto the 31st day of March of the year upto which the licence is granted or renewed, grant or renew a licence for such period as is necessary.
51. Particulars of licence.—
- (1) Every licence granted under these rules shall be subject to the conditions specified therein and shall contain all the particulars which are contained in the form specified under these rules.
- (2) One copy of the plan or plans for the licensed premises, signed in token of approval by the Chief Controller, shall be attached to the licence which shall form part of such licence and an identical copy shall be filed for record in the office of the Chief Controller.
- (3) Every licensed premises under these rules shall have prominently marked thereon the number of the licence held for it.
- (4) The emergency telephone numbers of local fire service, police and the principal marketing company or supplier of the compressed gas, and emergency instructions shall be conspicuously displayed in the licensed premises.
52. Power of licensing authority to alter conditions.-- Notwithstanding anything contained in Rule 51, the Chief Controller may omit, alter or add to any of the conditions specified in the Form of a licence.
53. Prior approval necessary for alteration in the licensed premises.--
- (1) No alteration shall be carried out in the licensed premises until the plan showing such alteration has been approved in writing by the Chief Controller.
- (2) A person wishing to carry out any alteration in the licensed premises shall submit to the Chief Controller.—
- (i) three copies of a properly drawn plan of the licensed premises showing in distinct colour or colours the proposed alteration and the reasons therefor;
- (ii) a scrutiny fee of rupees fifty paid in the manner specified in Rule 11.
- (3) If the Chief Controller, after scrutiny of the plan showing the proposed alteration and after making such enquiries as he deems fit, is satisfied that the proposed alteration may be carried out, he shall return to the licensee one copy of the plan signed by him and conveying his sanction subject to such condition or conditions as he may specify.
- (4) The holder of a licence shall apply to the Chief Controller for the amendment of the licence as soon as the sanctioned alteration has been carried out.
54. Amendment of licence –
- (1) Any licence granted under these rules may be amended by the Chief Controller.
- (2) The fee for amendment of a licence shall be rupees ten plus the amount, if any, by which the fee that would have been payable if the licence had originally been issued in the amended Form exceeds the fee originally paid for the licence.
- (3) A licensee who desires to have his licence amended shall submit to the Chief Controller –
- (i) an application duly filled in and signed in Form I or in Form –I-A or Form –II , as the case may be

- (ii) where any alteration in the licensed premises has been carried out, three copies of the properly drawn plan showing the alteration sanctioned under Rules 53 by the Chief Controller;
- (iii) fee for the amendment of the licence as specified in sub-rule (2);
- (iv) a certificate of safety, if required under Rule 33.

55. Renewal of licence.—

- (1) A licence granted under these rules may be renewed by the Chief controller.
- (2) Every licence granted under these rules, may be renewable for three financial years where there has been no contravention of the Act or the rules framed thereunder or of any conditions of the licence so renewed.
- (3) Where a licence which has been renewed for more than one year is surrendered before its expiry, the renewal fee paid for the unexpired portion of the licence shall be refunded to the licensee, provided that no refund of renewal fee shall be made for any financial year during which the Chief Controller receives the renewed licence for surrender.
- (4) Every application for renewal of the licence shall be made in Form – I, or Form-I-A or Form – II, as the case may be, and shall be accompanied by the licence prescribed fee .
- (5) Every application for the renewal of a licence shall be made so as to reach the licensing authority at least thirty days before the date on which it expires, and if the application is so made, the licence shall be deemed to be in force until such date as the Chief Controller renews the licence or until an intimation that the renewal of the licence is refused has been communicated to the applicant.
- (6) Where the renewal of a licence is refused, the fee paid for the renewal shall be refunded to the licensee after deducting therefrom the proportionate fee for the period beginning from the date from which the licence was to be renewed upto the date on which renewal there of is refused.
- (7) The same fee shall be charged for the renewal of a licence for each financial year as for the grant thereof:
 - (i) if the application with accompaniments required under sub-rule (4) is not received within the time specified in sub-rule (5) , the licence shall be renewed only on payment of a fee amounting to twice the fee ordinarily payable;
 - (ii) if such an application with accompaniments is received by the Chief Controller after the date of expiry but not later than thirty days from that, the licence may, without prejudice to any other action that may be taken in this behalf, be renewed on payment of twice the fee ordinarily payable : Provided further that in the case of an application for the renewal of a licence for a period of more than one financial year at a time, the fee prescribed under clause (i) or clause (ii) of the first proviso, if payable , shall be paid only for the first financial year of renewal.
- (8) No licence shall be renewed if the application for renewal be received by the Chief controller after thirty days of the date of its expiry.

56. Refusal of licence.—

- (1) The Chief Controller refusing to grant, amend, renew or transfer a licence, shall record his reasons for such refusal in writing.
- (2) A copy of the order containing the reasons for such refusal shall be given to the applicant on payment of a fee of rupees five paid in the manner specified in Rule 11.

57. Suspension and cancellation of licence.—

- (1) Every licence granted under these rules shall be liable to be suspended or cancelled, by an order of the chief Controller for any contravention of the provisions of the Act or these rules or of any condition contained in such licence, or by an order of the Central Government if at any time the continuance of the licence in the hands of the licensee is deemed objectionable : Provided that –
 - (i) before suspending or cancelling a licence under this rule, the holder of the licence shall be given an opportunity of being heard;
 - (ii) the maximum period of suspension shall not exceed three months; and
 - (iii) the suspension of a licence shall not debar the holder of the licence from applying for its renewal in accordance with the provisions of Rule 55.
- (2) Notwithstanding anything in sub-rule (1) an opportunity of being heard may not be given to the holder of a licence before his licence is suspended or cancelled in case—

(i) where the licence is suspended by the Chief Controller as an interim measure for the violation of the provisions of the Act or these rules, or of any condition contained in such licence or in his opinion such violation is likely to cause imminent danger to the public: Provided that where a licence is so suspended, the Chief Controller shall give the holder of the licence an opportunity of being heard before the order of suspension is confirmed; or

(ii) where the licence is suspended or cancelled by the Central Government, if that Government considers that is the public interest or in the interest of the security of the State the such opportunity should not be given.

(3) The Chief Controller or the Central Government suspending or canceling a licence under sub-rule 91), shall record his or its reasons for so doing in writing.

58. Procedure on expiration, suspension or cancellation of licence.—A person licensed to store compressed gas shall, on the expiration, suspension or cancellation of his licence, forthwith give notice to the Chief Controller of the nature and quantity of compressed gas in his possession and shall comply with any directions which the Chief Controller may give in regard to its disposal.

59. Appeals.—

(1) An appeal shall lie with Central Government against any order passed by the Chief Controller refusing to grant, amend or renew a licence or cancelling or suspending a licence.

(2) Every appeal shall be in writing and shall be accompanied by a copy of the order appealed against and shall be presented within sixty days of the order passed.

60. Procedure on death or disability of licensee.--

(1) If a licensee dies or becomes insolvent or is mentally incapable or is otherwise disabled, the person carrying on the business of such licensee shall not be liable to any penalty or confiscation under the Act or these rules for exercising the powers granted to the licensee during such time as may reasonably be required to allow him to make an application for a new licence in his own name for the un-expired portion of the original licence in respect of the year in which the licensee dies or becomes insolvent or mentally incapable or is otherwise disabled : Provided that nothing in this sub-rule shall be deemed to authorised the exercise of any power under this sub-rule by any person after the expiry of the period of the licence.

(2) A fee of rupees five shall be charged for a new licence for the un-expired portion of the original licence granted to any person applying for it under this rule.

61. Loss of licence.—When a licence granted under these rules is lost or accidentally destroyed, a duplicate may be granted on the submission of a copy of the plan or plans identical with those attached to the licence and on payment of a fee to rupees ten paid in the manner specified in Rule 11.

62. Production of licence on demand.—

(1) Every person holding or acting under a licence granted under these rules shall produce it, or an authenticated copy of it, at the place to which the licence applies, when called upon to do so by any of the officers specified in Rule 69

(2) Copies of any licence may, for the purpose of this rule, be authenticated by the authority which granted the licence—

(a) on payment of a fee of rupees five in the manner specified in Rule 11 for each authenticated copy; and

(b) on the submission of a copy or copies of the plans identical with the approved plan or plans attached to the licence.

62A. Compliance of instruction of licensing authority – if the licensing authority calls upon the holder of the licence by a notice in writing to execute any repairs in the licensed premises which are, in the opinion of such authority, necessary for the safety of the premises, the holder of the licence shall execute the repairs within such periods as may be specified in the notice.

63. Procedure on reports of infringement—

The district authority shall inform the Chief Controller of the action taken by him on any reports of infringement of the Act or of these rules which the Chief Controller may make to him.

64. Executive control over authorities.—

Every authority, other than the Central Government, acting under this Chapter shall perform its duties subject to the control of the Central Government. Provided that nothing in this rule shall be deemed to affect the powers of executive control of the Chief Controller over the officers co-ordinate to him.

