

CHAPTER X TESTING OF PETROLEUM

186. Drawing of Sample. –

(1) In all cases, the sampling officer shall personally superintend the drawing of the sample and the sample shall be drawn in the presence of at least one witness. Where the sample is drawn from an original unopened receptacle containing petroleum otherwise than in bulk the opening shall be sufficient to admit of the sample being rapidly transferred from the receptacle.

(2) Two bottles, each of a capacity of 1 litre shall be filled to nine-tenths of their capacity with the sample and corked. The corks shall be driven home and cut-off level with the neck; and melted sealing wax shall be worked into the corks and the bottles shall be efficiently sealed.

(3) In the case of petroleum imported into India the bottles containing the samples shall, after being sealed, be labelled with the name of the consignee, particulars of the ship or vehicle by which it is imported and such other distinguishing marks as may be necessary.

187. Forwarding and retention of samples. –

One of the bottles referred to in subrule (2) or rule 186 shall be preserved for reference in case of need and the other shall be forwarded to the testing officer.

188. Procedure of delivery of samples. –

(1) When the master of, or the agent for, a ship or the agent of the importer has made the declaration required under rule 17 or rule 26, the sampling officer shall obtain samples of all the petroleum which is intended to land at the port or place of import, If the importer so desires, the sampling officer shall also take samples of all the petroleum which is intended to land at any other port or place of import in India : Provided that no sample need be taken of petroleum if it is declared to be the petroleum Class A.

(2) The master of ship or the person for the time being in-charge of the vehicle by which petroleum is imported shall deliver to the sampling officer, without charge, samples of every variety of petroleum comprised in the petroleum of which samples are to be taken under sub-rule (1). Such samples shall, if the sampling officer so requires, be taken from the particular receptacles indicated by him : Provided that when the petroleum is in cases, samples shall be taken as the landing proceeds.

189. Selection of samples from imported cargo. –

The minimum number of samples to be selected from each brand or quality contained in the cargo to be imported shall be as follows :-

(i) in cases-one sample for every 10,000 cases or part thereof;

(ii) in casks or drums, declared to be uniform quality - one sample for every 600 kilolitres or part thereof;

(iii) in bulk or in tanks - one sample from each tank or tank compartment.

190. Standard test apparatus. –

The Standard test apparatus shall -

(a) agree in every respect with the Indian Standard Specification No. IS-1448 (Part I): (P 20) or (P 21) as applicable and for the time being in force; and 101

(b) have been tested and certified by an officer appointed by the Central Government under sub-section (1) of section 15 of the Act.

191. Certification of apparatus. –

(1) When any apparatus for determining the flash point of petroleum is submitted to the officer appointed under sub-section (1) of section 15 of the Act for comparison with the standard test apparatus, the officer shall examine the apparatus including the thermometres and the barometres or aneroid.

(2) No certificate shall be granted under section 16 of the Act if the apparatus, any thermometres or barometer is in any respect outside the tolerances laid down or variations permitted under the

Indian Standard Specification No. IS-1448 (Part I): (P20) or (P21) as applicable and for the unit being in force.

(3) A certificate in Form IV shall be granted in respect of any apparatus which has been found to agree with the standard test apparatus within the limits specified in IS 1448 (Part I) (P.20) (P.21) was applicable and for the time being in force.

(4) A certificate granted under this rule shall be valid for a period of three years.

192. Register of Certificates . –

A register of all certificates granted under rule 191 shall be maintained in form V by the officer appointed under sub-section (1) of section 15 of the Act.

193. Method of test . –

(1) The testing officer shall test the samples in the manner laid down in the Indian Standard Specification No. IS-1448 (Part I): (P 20) or (P 21) as applicable and for the time being in force.

(2) In all cases at least three samples shall be separately tested, the average of the three readings being corrected for the thermometer correction, if any, and for the barometric correction in case of dispute.

(3) If the average flash point is not lower than 230C, the whole of the petroleum represented by the samples shall be deemed to be petroleum Class B or petroleum Class C according to the average flash point determined by the test.

(4) If the petroleum to be tested is viscous or solid or contains sediments or thickening ingredients, such petroleum shall be tested in accordance with the methods specified in the Fifth Schedule.

194. Procedure when tests show want of uniformity. –

(1) If the testing officer after testing samples taken from an imported cargo, considers further testing necessary to satisfy himself that none of the petroleum is petroleum class A, he shall report to the Commissioner of Customs accordingly.

(2) On receipt of a report under sub-rule (1) -

(a) when the consignment is imported in cases or casks or drums, the Commissioner of Customs shall cause the petroleum in question to be landed and stacked in lots of not more than 1500 cases or casks or drums each, or to be discharged into boats each containing not more than 1500 cases, casks or drums, and the sampling officer shall select and deliver to the testing officer one sample from each lot.

(b) when the consignment is imported in bulk, the sampling officer shall forward a second sample and Commissioner of Customs may, until the receipt of the testing Officer's further report, prevent the landing of any portion of the contents of the tank in question or may permit it to be landed as provided under rule 21.

(c) if the petroleum has already been landed and stored under rule 21:

(i) if it is otherwise in bulk, it shall be divided into lots, and samples of each lot shall be selected as provided in clause (a);

(ii) if it is in bulk, samples shall be drawn from each separate storage tank containing the petroleum.

195. Certificate of tests . –

(1) The testing officer shall, as soon as practicable, and ordinarily within twenty-four hours after receipt of samples make out a certificate in Form VI and shall forward it in the case of samples, of petroleum taken on board a ship or a vehicle by which petroleum is imported to the Commissioner of Customs and in the case of other samples to the officer submitting the sample.

(2) The testing officer shall, at the request of any person concerned, furnish him with a certified copy of the certificate in form VI on payment of a fee of rupees two hundred.

196. Fee for inspection and comparison. –

(1) The fee for each inspection of the standard test apparatus shall be rupees one hundred.

(2) The fee for comparing a privately owned test apparatus with the standard test apparatus shall be as follows:-

(in Rupees) Test apparatus 500 Barometer 200 Thermometer 100

197. Fee for testing . –

(1) The fee for testing each sample of petroleum shall be rupees five hundred: Provided that the aggregate fees chargeable under this sub-rule shall not, in the case of any single consignment of petroleum in any one ship, other vessel, train or place, exceed rupees one thousand.

(2) The fee for re-testing each sample under section 20 of the Act shall be rupees one thousand. It shall be refunded if the original test is proved to be erroneous.

198. Power to enter, inspect, search and seize . –

(1) Any, officer, specified in column (1) of the table below, may within the jurisdiction specified in the corresponding entry in column 2 of the said table:

(a) enter, inspect and search any place where he has reason to believe that any petroleum is being imported, transported, stored, produced, refined or blended or is under transport and inspect all receptacles, plants and appliances used in connection therewith in order to ascertain if they are in accordance with provisions of the Act and of these rules:

(b) search for petroleum therein;

(c) take samples for testing of any petroleum found therein and make payments by cash for value of samples taken; and

(d) seize, detain and remove any petroleum or any material suspected to be petroleum or any equipment or appliances used therein together with connected documents thereof in respect of which he has reasons to believe that any of the provisions of the act or of these rules have been contravened.

TABLE

Designation of the Officer Limit of Jurisdiction

(1) (2)

Chief Controller and Controller Whole of India All District Magistrates Their respective Districts All Magistrates sub-ordinate to Their respective Jurisdiction District Magistrate Police Officer not below the The area over which their Rank of an Inspector authority extends (2) Whenever any officer other than the Chief Controller, seizes, detains or removes any petroleum or any material connected therewith or any connected documents thereof under this rule, he shall forthwith report the fact by telegram to the Chief Controller and Controller having jurisdiction over the place where seizure etc. has taken place and whenever any officer not being the District Authority seizes, detains or removes any petroleum or any material connected therewith or any connected documents thereof under this rule, he shall intimate the facts of the case to the Chief Controller or the Controller having jurisdiction.

(3) Whenever any samples are taken in accordance with this rule, they shall be tested in accordance with the relevant provisions of Chapter X of these rules.

(4) Whenever any petroleum is seized under this rule, it shall be stored, under adequate guard until examination by Chief Controller or Controller and receipt of instructions from him as to its disposal.

(5) Whenever searches are made under this rule the same shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1973 (2 of 1974). All officers of the police and district authorities shall assist the Chief Controller in the execution under the Act and rules.

(6) Whenever any person by himself or by any person in his employment voluntarily obstructs or offers any resistance to or otherwise interferes with or refuses or fails to give or willfully gives false or misleading information to the officer duly appointed under this rule who is acting in accordance with his duty thereunder such person shall be deemed to have committed an offence under the Act.

199. Destruction of petroleum . –

The Chief Controller or Controller may destroy any petroleum or any material or equipment connected in respect of which the Chief Controller or Controller has reason to believe that any of the provisions of the Act or of these rules have been contravened or which in his opinion is not

longer fit for storage, transport or use. The petroleum shall be destroyed at the expenses of the licensee or the occupier of the premises, as the case may be.