



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जनजाति आयोग

National Commission for Scheduled Tribes

6<sup>th</sup> floor, 'B' Wing, Loknaya Bhawan  
Khan Market, New Delhi-110 003.

File No. PSP/10/2017/MPNG1/SEOTH/RU-I

Date: 05/10/2018

To

The Chairman,  
Indian Oil Corporation Ltd.,  
3079/3 JB Tito Marg,  
Sadiq Nagar,  
New Delhi – 110049.  
Tel: 26260202, 26260000.  
Email: chairman@indianoil.in

Sub: Representation dated 12/07/2017 received from Shri Pramod Singh Porte, M/s. Maa Pitambera Service Station, Goraghat, District - Datia, Madhya Pradesh regarding permission to sale diesel Petrol from Petrol Pump.

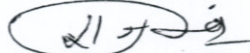
Sir,

I am directed to refer to the subject cited above and to enclose a copy of the minutes of Sitting held in the National Commission for Scheduled Tribes on 10/09/2018 at 2:00 P.M. under the Chairmanship of Ms. Anusuiya Uikey, Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes in the matter.

It is, requested that action taken on the suggestions / recommendations of the Commission may please be sent to the NCST at the earliest.

Encl: As above.

Yours faithfully,

  
(Rajeshwar Kumar)  
Assistant Director  
Tel: 24641640

Copy to:

Shri Pramod Singh Porte,  
M/s Maa Pitambera Service Station,  
Goraghat,  
District - Datia,  
(Madhya Pradesh).

Copy for information to:

1. PS to Hon'ble Vice-Chairperson, NCST
2. NIC (for hosting on Commission's website)

**Govt. of India**  
**National Commission for Scheduled Tribes**

(File No. PSP/10/2017/MPNGI/SEOTH/RU-I)

**Minutes of sitting held on 10/09/2018 at 2:00 P.M. under the Chairmanship of Ms. Anusuiya Uikey, Hon'ble Vice-Chairperson, NCST in the case of Shri Pramod Singh Porte, M/s. Ma Pitambera Service Station, Goraghat, District - Datia, Madhya Pradesh regarding permission to sale diesel Petrol from Petrol Pump.**

---


List of participants is annexed.

Shri Pramod Singh Porte, M/s. Maa Pitambera Service Station, Goraghat, District - Datia, Madhya Pradesh vide representation dated 12/07/2017 has stated the harassment (of dealer belongs to ST category) by the Indian Oil Corporation and requested for permission to sale diesel Petrol from Petrol Pump.

The matter was discussed with the representatives of Indian Oil Corporation Ltd. and petitioner in the sitting(s) convened on 14/03/2018 and 28/05/2018 at Lok Nayak Bhawan, New Delhi under the chairmanship of Ms. Anusuiya Uikey, Hon'ble Vice-Chairperson, NCST. After detailed discussion in the sitting dated 28/05/2018, Commission made the following recommendations and stated that action taken report may be sent within 30 days.

- (1) Petitioner should be warned by the Indian Oil Corporation, keeping in humanitarian ground. Due to lack of training, awareness and education, there is possibility of carelessness on behalf of petitioner. Therefore, keeping in view of livelihood and future of the petitioner, the Dealership should be revoked.
- (2) Indian Oil Corporation Ltd. should return an amount of Rs. 7,50,000/- deposited by petitioner by adding the interest to the petitioner within 15 days.
- (3) In this context, Indian Oil Corporation Ltd. should inform the recommendations of Commission to their Appellate Authority Director (Research & Development) before 05/06/2018.

Minutes of sitting dated 28/05/2018 was communicated to Chairman, Indian Oil Corporation Ltd. vide letter dated 04/06/2018. The representative of Indian Oil Corporation Ltd. vide email informed that an amount of Rs. 7,50,247/- had been returned to Shri Porte. Later on, Indian Oil Corporation Ltd. vide letter No. 4031/AM/MPSO/NCST/405 dated 24/07/2018 had also informed that "an amount of Rs. 7,50,247/- returned to Shri Porte; and the Appellate Authority i.e. Director (R&D) held appeal proceedings of the terminated dealer on 05/06/2018 and copy of the minutes attached for perusal. The final order of Appellate Authority is awaited". The final Order of Appellate Authority was not received from the Indian Oil Corporation Ltd. Hence, the Hon'ble

  
सुश्री अनुसुईया उइके/Miss Anusuiya Uikey  
उपाध्यक्ष/Vice Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

Vice-Chairperson, NCST decided to discuss the matter with Chairman, Indian Oil Corporation Ltd. and the petitioner on 10/09/2018 at 2:00 P.M.

The Chairman, IOCL deputed the Officers of Indian Oil Corporation Ltd. to attend the sitting on 10/09/2018. The Hon'ble Vice-Chairperson asked the petitioner to explain the present position and grievance. The petitioner informed that he was appeared before the Appellate Authority on 05/06/2018 but the final order of Appellate Authority had not been received.

The Vice-Chairperson asked the Officers of IOCL to explain the position and action taken by IOCL. The representative of IOCL explained the process of dealing with the cases of terminated dealers. It was also informed that the Marketing Discipline Guidelines (MDG) (for RO/SKO Dealerships of Public Sector Marketing Companies i.e. Bharat Petroleum; Indian Oil and Hindustan Petroleum) has been revised w.e.f. 03/08/2018. As per MDG, Dispute Resolution Panel (DRP) have been constituted for hearing the appeals submitted by the Terminated Dealers. The DRP comprised of Retd. Judge of High Court; (as a Chairman) Retd. Government servant who held post not below the rank of Joint Secretary in Govt. of India or equivalent Rank; (as a Member 1) and a Retd. Officials of PSU, Oil Marketing Companies, who held the post not below the rank of Director. (as a Member 2) Rupees Two Lakhs for SC/ST Dealer and Rupees Five Lakhs for General Dealer fee fixed for filing the appeal before DRP. As per MDG (Amended on 03/08/2018), Shri Porte is required to submit the appeal to IOCL as per recent guidelines for re-considering of his case by the DRP.


After detailed discussions, Commission observed that the following issues should be taken up with the Ministry of Petroleum and Natural Gases by the NCST.

(1) As per MDG (Amended on 03/08/2018), Fee of Rs. 2 Lakhs prescribed for Terminated Dealer belongs to ST category for filing the appeal before the DRP may be waived.

(2) Dealers who belongs to ST category, whose Retail outlet has been terminated may be allowed to operate the Petrol Pump / other related activities by giving a warning, until matter decided by the DRP.

The Commission suggested / recommended that the Indian Oil Corporation Ltd. should submit the facts before the DRP and take appropriate action on the following points and submit the report to the Commission within a month from receipt of the proceedings.


(i) The case of Shri Porte should be placed before the DRP constituted by IOCL. Keeping in view of livelihood and future of the petitioner, DRP be requested to give the priority of the case.

  
सुश्री अनुसुईया उइके/Miss Anusuiya Uikey  
उपाध्यक्ष/Vice Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

(ii) Date(s) of training imparted to Scheduled Tribe(s) Dealers for operating the Petrol Pumps and other related activities and specifically to Shri Porte be informed.

(iii) Earlier date(s) of inspection undertaken by IOCL of the Petrol Pump of Shri Porte be informed.

(iv) The case of Shri Porte should be considered and recommended by IOCL to Higher Authority / DRP for revoking the Petrol Pump, as Shri Porte belongs to ST and having poor economic condition.

  
सुश्री अनुसुईया उइके/Miss Anusuiya Uikey  
उपाध्यक्ष/Vice Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

**Govt. of India**  
**National Commission for Scheduled Tribes**

(File No. PSP/10/2017/MPNG1/SEOTH/RU-I)

List of Participants in date of sitting held on 10/09/2018 at 2:00 P.M.

<b>Sr. No.</b>	<b>Name and Designation</b>
<b>I</b>	<b><u>National Commission for Scheduled Tribes</u></b>
1.	Ms. Anusuiya Uikey, Hon'ble Vice-Chairperson
2.	Shri Raghav Chandra, Secretary
3.	Shri P.T. Jameskutty, Deputy Secretary
4.	Shri Rajeshwar Kumar, Assistant Director
5.	Shri R. S. Misra, Senior Investigator
6.	Shri Gaurav Kumar, P.S. to Hon'ble Vice-Chairperson
<b>II</b>	<b><u>Indian Oil Corporation Ltd.</u></b>
1.	Shri D. K. Sharma, ED Corporate Coordinator
2.	Shri Vigyan Kumar, CGM – MPSO Bhopal.
3.	Shri Padam Pande GM (Retail Sales) Bhopal.
<b>III</b>	<b><u>Petitioner</u></b>
1.	Shri Pramod Singh Porte