

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP-26203-2019 (O&M)
Date of Decision:02.12.2019**

C.S. Arora

... Petitioner

Versus

Union of India & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Jagjot Singh, Advocate for the petitioner.

....

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner has filed the instant writ petition seeking a writ of certiorari for quashing the orders dated 21.01.2019, 17.01.2019 and 15.01.2019 at Annexure P-6 (colly) issued by the Indian Oil Corporation Limited, Hindustan Petroleum Corporation Limited and Bharat Petroleum Corporation Limited.

Counsel would argue that it was on the initiative of the petitioner by virtue of filing CWP-17103-2015 decided on 10.09.2015 that the Gas Cylinder Rules, 2016 were notified by the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) framed on 22.11.2016 (Annexure P-3).

The sole contention raised by counsel is that the impugned orders at Annexure P-6 (colly) amount to non-adherence of Rule 9(3)(v). It is argued that the respondent/authorities having framed the Gas Cylinder Rules, 2016, cannot now issue orders which seek a departure from Rule 9 (3)(v) as the same would amount to be a safety hazard. Yet another submission raised is that the impugned orders would tantamount to suggest

that the Gas Cylinder Rules, 2016 would have no applicability qua LPG cylinders.

Having heard counsel at length and having perused the pleadings on record, this Court is of the considered view that the instant writ petition is misconceived.

A conjoint reading of the impugned orders would reveal that the petroleum companies have clarified that Rule 9(3)(v) is applicable only to such gas cylinders that are provided with a metal ring inserted between the valve and neck of the cylinders for purposes of marking. However in the case of LPG cylinders wherein the valve protection ring with three vertical straight plates are provided, the applicable Rules is Clause 6(2)(A)(iv).

Rule 6 governs markings on cylinders. Rule 6(2) relates to markings on permanent and liquefiable gas cylinders and Clause (iv) thereof reads as follows:

“(iv) the date of the last hydrostatic test or hydrostatic stretch test, as the case may be, with the code mark of recognised testing station where the test was carried out and the code mark shall be registered with the chief Controller and in the case of liquefied petroleum gas cylinders; the quarter and the year of test shall be given as an additional marking in a neck or on a shoulder plate.”

It is not the case set up on behalf of the petitioner that the procedure of marking on permanent and liquefiable gas cylinders as mandated under Rule 6(2)(iv) is not being followed.

Counsel has not been able to demonstrate as to in what manner would Rule 9(3)(v) have its applicability to LPG cylinders.

In view of the above, no infirmity is found in the impugned orders at Annexure P-6.

No intervention in the matter is called for.

Dismissed.

02.12.2019

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |