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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 02.03.2020

+ W.P.(C) 906/2019

SHIVAJI SINGH & ANR. Petitioner

Through: Mr. Puneet Goel, Adv.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Ajay Digpaul, CGSC with
Mr.Aaryan Verma, Adv. for UOI.
Ms. Nidhi Mohan Parashar (GP) with
Mr. Vikrant Kumar, Adv. for R-1 to
4.

Ms. Warisha Farasat, Adv, with
Mr.Bharat Gupta, Mr. Hafsa Khan,
Advs. for GNCTD along with
Mr.Rajeev Vats, Insp. PS Ghazipur,
Mr. Sher Singh, ASI, PS Ghazipur.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

1. This Public Interest Litigation has been preferred with the following prayers:-

“a. Direct the respondent no.1 to 4 to constitute a team of their officials who may conduct thoroughly search to find out the detail of such gang and take appropriate legal action as and when such criminal gang, doing such type of illegal activities comes to their knowledge and also report the matter to concern police stations for taking appropriate action under explosive act and other relevant act.

b. direct the respondent no.5 & 6 to register the FIR on the complaint of the petitioner, given through speed post dated 13-10-2018 and take appropriate legal action against such gang who are engaged in the such type of criminal activity as mentioned in the petition and also pass appropriate further direction to the respondent no.5 & 6 to take the evidence placed the petitioner on record and conclude the investigation as soon as possible preferably within two weeks, in the interest of justice.”

2. Having heard learned counsel for both parties and looking to the facts and circumstances of the case, it appears that the allegations levelled by this petitioner are about a complaint dated 13.10.2018 lodged by this petitioner with P.S. Gazipur regarding manufacturing of fake neck rings and compliance plates for CNG cylinders and issuance of forged and fabricated certificates in the name of authorised centres.

3. It is submitted by the learned counsel appearing for petitioner that in spite of making aforesaid complaint dated 13.10.2018, neither any FIR has been registered nor any action has been initiated by the concerned police authority. Learned counsel for the petitioner further submitted that as per the provisions of the Explosives Act, 1884 (hereinafter referred to as “the Act, 1884”) and the rules made thereunder, namely, Gas Cylinder Rules, 2016 (hereinafter referred to as ‘the Rules, 2016’) the installation of neck rings, compliance plates and issuance of cylinder testing certificates have to be done by the authorized testing centers only. If there is any violation of these provisions of the Act, 1884 and the Rules, 2016, the concerned authorities are required to take action accordingly. Learned counsel for the petitioner further submitted that the police has not taken any action against those who are indulging in installing the fake neck rings, compliance plates

and issuing fake Cylinder Testing Certificates in the name of authorized centers.

4. We have heard learned counsel appearing for the respondents. Learned counsel for the respondent Nos. 1 to 4 submitted that detailed affidavits have been filed dated 2nd April, 2019 and 15th July, 2019. Counsel for the respondent Nos. 1 to 4 has taken this Court to the various steps proposed to prevent such illegal activities which are narrated in the affidavit dated 15.07.2019 and read as under:-

“1. All the CNG Cylinder testing stations which were approved by the Petroleum and Explosives Safety Organisation (PESO) in the past are being re-validated online. Already about 50% testing station approvals of Delhi and Haryana state have been made online and further efforts are being made to do 100% testing station approval online. The approvals of new testing stations are being done online.

2. PESO had already requested NIC to develop a module to generate cylinder test certificates online by the CNG testing stations. NIC has now informed that the work will be completed within 2 weeks. Once it is commenced, the online certificates giving complete details starting from serial no. of cylinders, test date and type of tests carried out and the name of the person who carried out the tests will further strengthen the monitoring mechanism. Provisions shall be made to restrict the number of cylinders to be tested everyday based on the infrastructure available at CNG cylinder testing station.

3. It is proposed to install CCTV camera at all strategic location in the CNG cylinder testing station so as to record the tests carried out on the particular day by a technical person who performed the particular test. The recorded CCTV footage shall be maintained for one year.

4. It is submitted that vehicle registering authority shall be requested to verify test certificates of CNG cylinders (fuel tank) of the vehicle prior to renewing the registration/issuing fitness certificate. This may be instrumental in curbing issuing of fake certificates.”

5. Regarding inspections and the remedial measures undertaken by the department for ensuring compliance of the Act, 1884 and the Rules, 2016, the relevant details, as mentioned in affidavit dated 15.07.2019, read as under:-

“(i). The CNG Cylinder Testing Stations falling under the inspection jurisdiction of this office are being regularly inspected.

(ii). Team of officers comprising of two to three officers are deputed time to time by this office to carry out inspection of CNG Cylinder Testing Stations (a) wherever, violations/discrepancies noticed during inspection were communicated to the licensee/applicant by issuing discrepancy letter for taking necessary correcting measures and compliance, and show - cause notices were issued for serious violations (b). In case of non-compliance / unsatisfactory compliance, recommendations were made to the Chief Controller of Explosives, Nagpur for suspension/cancellation of approval of CNG Cylinder Testing Stations. In turn CCE, Nagpur suspended the Approval of some CNG Cylinder Testing Stations during the recent years.

(iii). The CNG dispensing Stations falling under inspection jurisdiction of this office including Delhi have also been regularly inspected by a team of officers comprising of two to three officers. During inspection of CNG Dispensing Stations, occupiers were advised not to fill CNG into test due cylinders in the larger interest of public safety.

(iv). After inspection of CNG Dispensing Stations, (a) the violations/discrepancies observed were communicated to the

licensees i.e. M/s Indraprastha Gas Ltd., M/s Indian Oil - Corporation Ltd., M/s Bharat Petroleum Corporation Ltd., M/s Hindustan Petroleum Corporation Ltd., M/s Haryana City Gas Distributors, M/s Adani Gas etc. by issuing discrepancy letter and show-cause notices for taking necessary correcting measures and compliance, (b). In case of non-compliance/unsatisfactory compliance, the licenses were suspended as an interim measure in the interest of public safety during last few years.

(v). This office had conducted training workshop on safety and statutory provisions for testing of CNG Cylinders under Gas Cylinder Rules, 2016 to sensitize the occupiers and technical persons of approved CNG Cylinder Testing Stations of Delhi in the year of 2018.

(vi). Besides, this office has called meeting of senior officials of M/s Indraprastha Gas Ltd., Delhi on several occasions and advised them during various meetings to strictly adhere to relevant statutory provisions of Gas Cylinder Rules, 2016 and also directed them to ensure proper compliance of statutory requirements i.e. compliance plate of CNG Cylinders, Cylinder test certificate, Test Due date of cylinders, physical condition of cylinders etc. during dispensing of CNG into cylinders fitted in the vehicles.

(vii). The Senior officials of M/s Indraprastha Gas Ltd., Delhi were advised verbally to initiate safety awareness campaign in the interest of public safety. They were also advised to display hoardings/signboards at prominent places in the respective CNG Dispensing Stations regarding periodical statutory testing of CNG Cylinders. During inspection hoardings/signboards were found displayed at CNG Dispensing Stations. M/s Indraprastha Gas Ltd., Delhi has imparted training to the fillers deputed for dispensing of CNG at the stations and also created safety awareness about CNG dispensing and cylinder periodical testing through FM radio in Delhi.”

6. We have perused the report filed by the police as well as affidavit dated 15.07.2019 filed by respondents No. 1 to 4 and looking to the steps proposed by the respondents No. 1 to 4 to ensure the compliance of the Act, 1884 and the Rules, 2016, we see no reason to further monitor this case. It is expected from the concerned authorities that the remedial steps, as suggested by the respondents No. 1 to 4, shall be duly complied with and in case of any breach, appropriate action will be initiated against the errant persons in accordance with law, rules, regulations and Government policy applicable to the facts of the case.

7. With the aforesaid observations, this writ petition is dismissed.

CHIEF JUSTICE

C.HARI SHANKAR, J

MARCH 02, 2020
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