

CONFIDENTIAL DOCUMENT FOR RETAIL CPIOs

April 4

2012

This document is indicative and gives a compilation of various types of situations which have been encountered in the previous one year, where standard replies can be sent. In case of any clarification / further support, please feel free to contact me on dcostac@bharatpetroleum.in

Retail SBU :
Standard
Replies to RTI
Queries

SOME STANDARD REPLIES AGAINST RTI APPLICATIONS

(All Topics are Hyperlinked – Please press ‘Ctrl’ key and keep cursor on topic required to be viewed and click link)

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NOTE: All Topics are Hyperlinked – To access a topic, please press ‘Ctrl’ key on your PC / Laptop and keep cursor on topic required to be viewed, and click link.

Opening Paragraph (For RTI applications received directly by BPCL):

This has reference to your application dated 12.11.2011 seeking information under Right to Information Act. Our reply in seriatim is as under:

OR

Opening Paragraph (For RTI applications received through MOP&NG):

This has reference to Under Secretary & PIO, Ministry Of Petroleum and Natural Gas (MOP&NG)'s letter No. xxx dated xxx forwarding your letter dated xxx seeking information under Right to Information Act. Our reply in seriatim is as under:

Closing Paragraph (Re: Appeal):

Appeal, if any, in respect of the information provided above, may be made to the Appellate Authority of Bharat Petroleum Corporation Limited, **Shri XYZ, General Manager (Retail), North / East / West / South**, Bharat Petroleum Corporation Limited, Postal Address: xxxx, within thirty days from the date of receipt of this letter as per Section 19 of RTI Act 2005.

RTI Application Not Accompanied with Requisite Fee of Rs.10/-:

Your above RTI application is not accompanied by the requisite application fee as per provisions of Section 6(1) of the RTI Act 2005, hence no action can be taken on your request. You are, therefore, requested to submit Rs.10/- by Demand Draft or Postal Order drawn in favour of Bharat Petroleum Corporation Limited, together with the RTI application, in order to enable us to take action on your RTI application.

RTI Application Sent on Stamped Paper / Court Fee Affixed:

We would draw your attention to the fact that Stamped Paper is not an acceptable form of application fee, hence no action can be taken on your RTI Application. As per provisions of Section 6(1) of the RTI Act 2005, payment of the prescribed fee of Rs.10/- is required to be sent, along with your application, by Demand Draft or Indian Postal Order drawn in favour of Bharat Petroleum Corporation Limited, in order to enable us to take necessary action.

Return of Excess Fee (If the payment is Rs.50/- or more):

As you are aware, the prescribed fee for obtaining information under the RTI Act 2005 is currently Rs.10/- per Application. We are, therefore, returning herewith your DD / PO (Nos. XXX) dated XXX for Rs. XXX. Please send us a fresh Postal Order / Demand Draft for Rs.10/- to enable us to process your RTI application.

Dealer Selection – Inspection of Application Forms / Documents:

- The information sought by you pertains to third party personal information, the disclosure of which has no relationship to any public activity or interest, hence denied under section 8(1)(j) of the Right to Information Act 2005. However, **if you are one of the applicants for the said location**, you may inspect the relevant records (except financial details, PAN No., property details pertaining to third party) in respect of selection process of Dealership. For this purpose, you may get in touch with our Area Marketing Manager / Territory Manager (Retail) XXX, Bharat Petroleum Corporation Ltd., XXX (Tel.: XXX), after fixing a mutually convenient date and time.
- After inspection as above, you may obtain extracts of documents desired by you, from AMM xxx, after paying the requisite fee of Rs. 2/- per page by Demand Draft / Banker's Cheque (Pay Order) / Indian Postal Order drawn in favour of Bharat Petroleum Corporation Limited.

OR**(If the RTI Applicant is one of the Applicants for the Location):**

- It appears that you have a grievance regarding Dealer Selection process in respect of Location XXX. **If you are one of the applicants**, you may inspect the relevant records (except financial details, PAN No., property details pertaining to third party) in respect of selection process of Dealership. For this purpose, you may get in touch with our Area Marketing Manager, Bharat Petroleum Corporation Limited, XXX (Tel.: XXX) after fixing a mutually convenient date and time.
- After inspection as above, you may obtain extracts of documents desired by you, from AMM xxx, after paying the requisite fee of Rs. 2/- per page by Demand Draft / Banker's Cheque / Indian Postal Order drawn in favour of Bharat Petroleum Corporation Limited.

Dealer Selection : Inspection If the Selection Process is Not Complete:

The Dealer Selection process for the said location is not yet completed and the information requested by you is therefore confidential. Divulging any information at this stage may hamper the selection process. Hence, information requested by you is denied u/s 8(1)(d) & (h) of the RTI Act 2005.

OR

The Application Forms for the said locations are under scrutiny and the information requested by you is therefore confidential. Since the Dealer Selection process for this location is not completed, divulging any information at this stage may hamper the selection process. Hence, information requested by you is denied u/s 8(1)(d) & (h) of the RTI Act 2005.

Dealer Selection – Marksheets:

The results of the interview which was conducted on XXX for RO at XXX have been posted on our web site www.bharatpetroleum.in. However, for your ready reference, we are enclosing herewith a copy of the mark-sheet indicating the marks allotted under each parameter by the Committee to each of the candidates who appeared for the interview as Annexure I.

Dealer Selection – Procedure / Evaluation Criteria:

The Procedure for Selection of Petrol / Diesel Retail Outlet Dealers is available on our website www.bharatpetroleum.com > business associates > dealer selection process. In case you need a copy of the same, please submit a Postal Order or Demand Draft of Rs.50/- payable to Bharat Petroleum Corporation Limited to us, and we shall arrange to forward a copy to you.

OR

Dealer Selection is done as per the “Procedure for Selection of Petrol/Diesel Retail Outlet Dealers” which is available on our website www.bharatpetroleum.in > business associates > dealer selection process. In case you need a copy of the same, please submit a Postal Order or Demand Draft of Rs.50/- payable to Bharat Petroleum Corporation Limited to us, and we shall arrange to forward a copy to you. Evaluation has been done after verification of application forms, documents enclosed and Interviews conducted by the appropriate committees. Dealership selection is done as per guidelines in a transparent manner. Thereafter, Field Verification of Credentials (FVC) of the selected candidate is done after which the dealership is awarded to the selected candidate. RO is commissioned after obtaining necessary approvals / NOC from all concerned departments.

Procedure for Selection of COCO Operators:

A copy of the brochure giving ‘Procedure for Selection of Service Provider for Operating Company Owner Company Operated (COCO) Retail Outlets of BPCL’ is available on our website www.bharatpetroleum.com > business associates > dealer selection process. In case you need a copy of the same, please submit a Postal Order or Demand Draft of Rs.50/- payable to Bharat Petroleum Corporation Limited to us, and we shall arrange to forward a copy to you.

Corpus Fund Scheme:

For details of the Corpus Fund scheme, kindly refer to our website www.bharatpetroleum.com > energising business > business associates > dealers > dealer selection guidelines. In case you need a copy of the Dealer Selection Guidelines which contains the details of Corpus Fund Scheme, please submit a Postal Order or Demand Draft of Rs.50/- payable to Bharat Petroleum Corporation Limited to us, and we shall arrange to forward a copy to you.

Site Selection for New ROs:

Sites offered for developing Retail Outlets (ROs) are technically evaluated by a Team of three members based on actual site survey. Oil Companies are guided by IRC / NHAI / Forest Deptt. Guidelines / Local Bye-laws / Petroleum Rules etc. for land offered for setting up ROs. While we look for clear sites as per NH / SH / IRC 2009 Norms, these are accepted subject to obtaining DM's NOC, who in turn gets NOC from NHAI/PWD/Authorities concerned.

OR

As regards Bharat Petroleum Corporation Limited's guidelines for setting up a new Retail Outlet (RO) on NH is concerned, the specific requirement is that the selected location should be approved by NHAI or Ministry of Road & Surface Transport, in addition to approval from Explosives Department's and DM's NOC.

Approvals Required for Commissioning ROs:

Retail Outlets (Petrol Pumps) are established as per prevailing guidelines / Norms of Public Works Department (P.W.D) / IRC / Ministry of Surface Transport (MOST) Guidelines as published from time to time. Retail Outlets are commissioned after taking NOC from District Authorities, who in turn issue the same after obtaining NOC from all concerned local bodies / Departments.

OR

Approvals that are required for RO commissioning are 'No Objection Certificate' from District Authority, Licence from PESO, Selling Licence, Sales Tax Registration and Stamping of Weights & Measures from Department of Legal Metrology, Building Plan approval from local Panchayat or Municipality, where ever applicable.

If the RO site is either leased to the Company or owned by Company, all applications for approvals will be made by the Company for No Objection Certificate from District Authority, Licence from PESO, Stamping of Weights & Measures from Department of Legal Metrology and Building plan. Necessary statutory fees payable will be paid by the Company.

OR

NOC for setting up Retail Outlets (Petrol Pumps) on Highways is not issued by Oil Companies, but by District Authorities/NHAI after fulfilling the laid down Norm/Guidelines. You may therefore seek the information from District Authorities/NHAI who are also a Public Authority.

Procedure for Taking Land on Lease for ROs:

Procedure for taking the offered land on lease is as follows:

- i. Opening of the Technical evaluation offers
- ii. Technical Evaluation of the offered land by a Committee comprising of respective State Coordinator / Territory Manager, Manager (RE) / Construction Manager and TM (Retail) / Sales Officer
- iii. If the offered site is Technically viable, Commercial Evaluation will be carried out by opening the Commercial Bids by a Committee comprising of respective State Coordinator / Territory Manager, Manager (RE) / Construction Manager and TM (Retail) / Sales Officer
- iv. The lower offer will be taken up for negotiation and approval by a committee nominated by Regional General Manager.

Basis for Proposing New ROs:

As per the current guidelines of Ministry of Petroleum & Natural Gas (MOP&NG), Oil Marketing Companies have freedom to select locations for Retail Outlets (ROs) on commercial consideration. In this connection, you may refer to MOP&NG's website www.petroleum.nic.in > Marketing > Dealer Selection Guidelines.

ROs are put up only after doing necessary Feasibility Study by the concerned Oil Marketing Company, based on their market representation and sales potential of the location. Various parameters like population, number & type of vehicles, consumption pattern, economic status etc., are considered under Sales potential.

Based on market potential and customer needs, Oil Companies are free to advertise and set up Retail Outlets at any location even if it is in the vicinity of another RO, subject to getting NOC from the concerned statutory Authorities.

Denial of Information where CPIO's Opinion solicited - under Section 2(f):

You have not requested for any information under section 2 (f) of the RTI Act 2005 and you cannot elicit opinion from CPIO. Therefore, no action can be taken by this Office on your query / application under the said Act.

Denial of Information under Fiduciary Relationship:

The Letter Of Intent (LOI) is a fiduciary document between Principal and Licensee, hence denied u/s 8(1)(e) of the RTI Act 2005.

OR

The Dispensing Pump & Selling License (DPSL) Agreement is a fiduciary document between Principal and Licensee, hence denied u/s 8(1)(e) of the RTI Act 2005.

OR

The Lease Agreement is of commercial confidence and is a fiduciary document between Lessor and Lessee, hence denied under sections 8(1)(d) & (e) of the RTI Act.

Denial of Information which is of Commercial Confidence / Confidential:

The information requested for by you is of commercial confidence and has no relationship to any public activity, hence denied under Section 8(1)(d) & (j) of the RTI Act 2005.

OR

The information requested by you is confidential in nature and does not satisfy the larger public interest, hence denied under Section 8(1)(d) of the RTI Act 2005.

OR

Regarding sales of Petrol and Diesel by our individual ROs for the past three years, we regret that since this information is of commercial confidence, the disclosure of which would harm the competitive position of the concerned ROs, hence the said information is denied u/s 8(1)(d) of the RTI Act 2005.

OR

Feasibility Report is our internal assessment for setting up a Retail Outlet in any trading area. Feasibility Report requested by you is of commercial confidence, the disclosure of which would harm the competitive position of third party, hence denied under Section 8(1)(d) of the RTI Act 2005.

Denial of Information which pertains to 3rd Party:

The P&L and Balance Sheet of the aforesaid RO pertains to third party and hence denied under section 8 (1) (j) of RTI Act 2005.

OR

The information sought by you pertains to third party personal information, the disclosure of which has no relationship to any public activity or interest, hence denied under section 8(1)(j) of the Right To Information Act 2005.

OR

The information sought by you relates to personal information, the disclosure of which would cause unwarranted invasion of privacy of the individuals concerned, hence denied u/s 8(1)(j) of the Right to Information Act 2005.

OR

Your queries are based on hypothetical situations for which an opinion from PIO cannot be sought as per the RTI Act 2005. Please be specific in order to enable us to provide the information to you.

Denial of Information which is Voluminous:

From the contents of your application, we find that you are probing for information more for business / personal gain rather than public interest at large. The data requested by you is very voluminous and collating such information will disproportionately engage our resources and time, which will not be commensurate with the information requested, hence denied u/s 7(9) of the RTI Act 2005. Please therefore be specific to enable us to provide the information to you, if held by us.

OR

The information requested by you is very voluminous and collating such information will disproportionately engage resources & time, which will not be commensurate with the information requested. More importantly, the information requested by you, which does not satisfy the larger public interests, pertains to third party and is confidential in nature, hence denied u/s. 8 (1) (d) & (j) of RTI Act 2005.

Type / Classification of ROs:

Each RO site is classified as under:

A site: Where Oil Companies own/lease the land/site and buildings and pumps/tanks etc.

B site: Where Oil Companies own/lease pumps and tanks only.

C site: Where the Dealers own/lease the site/buildings and pumps/tanks etc.

BPCL has xxx no. 'A' sites and xxx no. 'B' & 'C' sites as on xxx.

Reconstitution of Dealership:

Reconstitution of the Dealership is the prerogative of the Company and is approved after considering a number of factors like commitment of the Dealers, Performance, expiry of any of the Partners / Proprietor, etc.

Multiple Dealership Norms:

As per Dealer Selection Guidelines, only one Retail Outlet Dealership / SKO-LDO Dealership / LPG Distributorship will be allowed to a "family unit" in respect of individuals. In case of unmarried person / applicant, the "family unit" consists of self, father, mother, unmarried brother(s) and unmarried sister(s).

Land Bank Policy:

In 2002, BPCL in anticipation of deregulation by the Government, decided to develop a land bank by procuring sites in strategic locations. Retail Outlets (ROs) were set up at these sites, which were operated as temporary COCO / Adhoc ROs, till the company guidelines on appointment of dealers were formulated in 2003/04.

Renewal of Lease:

There is no time limit, if renewal of lease is pending. It depends upon the following:

- i. Amicable settlement with landlord/s for period of lease and rentals through negotiations
- ii. Legal process for renewing the lease, keeping in mind the local & constitutional provisions, viz. various acts like BSA, Local Tenancy Act, etc.

LFR Recovery vs Lease Renewal:

Recovery of LFR is related to Dispensing Pump & Selling Licence Agreement (Dealership Agreement) and not to Lease Agreement; hence, LFR has no connection with lease renewal. LFR is done towards the provision & maintenance of facilities at Retail Outlets (Petrol Pumps) by the Company. These rates are as approved by MOP&NG.

Kerosene Extension Points:

- (a) It may be noted that there was no policy framed by the Government on Extension Points for supply of PDS SKO (Kerosene). The practice prevailing in the earlier days of Private Oil Companies was to allow the SKO Dealers to supply Kerosene in extended areas and set up storage facilities in those areas, if necessary. As such, we are not holding any policy on record regarding supply of PDS Kerosene through Extension Points.
- (b) As stated above, there are no policies on Extension Points. However, MOP & NG vide letter P – 19011/30/88 – IOC dated 3.5.1989 had issued certain directions on the matter of regularization of SKO/LDO dealerships which were applicable only at that point of time as one time direction and not guidelines.

RTI Queries with Numerous Multiple Unrelated Questions:

In your above-referred RTI letter, you have raised XX questions covering various subject matters as follows:

- 1. Xxx
- 2. Xxx
- 3. xxx

As per section 6(1) of RTI Act, an information seeker can make “a request” along with applicable fees. In your RTI application dated 28.10.2011, you have made payment of RTI fees of Rs.10/- for one request / subject matter only. Accordingly, we are furnishing information for the questions covered by the first subject matter in seriatim as under:

RTIs raised by Dealers / Transporters:

We understand that you are a Dealer / Transporter of BPCL. Since you have a fiduciary relationship with this Corporation, you are well aware of the procedure for grievance redressal. Please, therefore, get in touch with Territory Manager (Retail), XXX for further assistance.

RTIs raised by Associations / Companies:

RTI is meant for individual citizens and not for Associations. The details requested by you are more for your personal / business gain than for any public interest at large; hence information is denied.

CPIO seeking Information from Information Holders within the Organisation (Deemed PIOs) through email - Section 5(5) of RTI Act 2005:

Please provide me information pertaining to your Territory / Location as requested in the attached RTI application. As you are aware, as per the RTI Act 2005, RTI queries are required to be replied within a maximum of 30 days from receipt of the application by BPCL, failing which a penalty of upto Rs.25,000/- may be imposed by Chief Information Commissioner. Please, therefore, let me have your draft reply at the earliest, so as to enable me to reply to the RTI applicant well within the due date.

The information is being requested from you under Sections 5(4) & (5) of the RTI Act 2005, which states:

“5. (4) The Central Public Information Officer (CPIO) may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties.

5. (5) Any officer, whose assistance has been sought under sub-section (4), shall render all assistance to the CPIO seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a CPIO.”

REPLY FORMAT (ON LETTERHEAD)

BPCLD/R/2012/0xxx

2nd April, 2012

Shri / Smt. XYZ

Address

XXXX

XXXX

xxx

Dear Sir / Madam,

Information under Right to Information Act, 2005

This has reference to your application dated 12.11.2011 seeking information under Right to Information Act. Our reply in seriatim is as under:

1. Xxx
2. Xxx
3. xxx

Appeal, if any, in respect of the information provided above, may be made to the Appellate Authority of Bharat Petroleum Corporation Limited, **Shri ABC, General Manager (Retail), North / East / West / South**, Bharat Petroleum Corporation Limited, Postal Address: xxxxxxxx, within thirty days from the date of receipt of this letter as per Section 19 of RTI Act 2005.

Thanking you,

Yours faithfully,

For BHARAT PETROLEUM CORPORATION LTD.**XYZ****CPIO (RETAIL) – XYZ STATE**

PS: “Certificate of Posting” Service is discontinued vide Director (PO&I) Department of Posts (P.O. Division), New Delhi – 110 016 No.2-4/2008-PO dated 23/02/2011 circulated under No. Tech/21/PO Rules/2009-10 dated 01/03/2011 from ADPS (Tech & Bldg) o/o The CPMG Maharashtra Circle, Mumbai – 400 001 with immediate effect. Thus this letter is sent by ordinary post.

cc: RGM North / East / West / South

cc: CPIO RHQ