



GUIDELINES

RECONSTITUTION OF NON-INDIVIDUAL ENTITY

**Retail Outlet / SKO Dealerships of
Public Sector Marketing Companies**

Effective 30th September 2024

27.09.2024

RECONSTITUTION GUIDELINES OF NON-INDIVIDUAL ENTITY – RETAIL OUTLET / SKO-LDO DEALERSHIPS

1. INTRODUCTION

Reconstitution is the process by which the constitution of the dealership is changed by induction/exit of entity / constituent members. The extant reconstitution guidelines with effect from 04.07.2018 deal with the cases of reconstitution of individual entity (Proprietors/Partners) and do not deal with the reconstitution of the “Non-individual” entity for RO dealerships / SKO-LDO Dealerships

Various queries have been received from the Field Officers on whether changes made in the shareholding of Director(s) / Trustee(s) or changes made in the Directorship / Trusteeship/ Governing Body of Non-Individual entities like Private Limited Companies, Public Limited Companies, Registered Societies / Co-operative Societies, Charitable Trusts, PACS who are currently holding RO/SKO-LDO Dealerships, should be treated as a case which requires approval for reconstitution under extant reconstitution guidelines.

It has been observed by Field Officers that, in many cases, Non-Individual entities like Private Limited Companies, Public Limited Companies, Registered Societies, Co-operative Societies, Trust, Charitable Trusts, etc. holding RO/SKO-LDO Dealerships, change their Directors (for Companies), Governing Council or Body, Executive or Managing Committee (for societies/co-operatives), Trustees (for Trusts/ Charitable Trusts) or change the shareholding as per procedures mandated under Companies Act /Co-operative Societies Act / Societies Act / Trust Act or other relevant Acts/Laws without informing/without obtaining permission from OMCs. As such, changes in the constitution of the Non-Individual entity are done without information/without obtaining permission from OMCs. Queries have been received from Field Officers on whether such changes made by the Non-Individual entity come under the ambit of extant reconstitution guidelines.

Industry members deliberated on the issue threadbare. Accordingly, the following features of Non-Individual Entities, which make them unique & different from an individual entity are detailed below, owing to which separate treatment in the matter of reconstitution is required for each of these entities.

2. Non-individual entity dealership:

Non-individual entity dealership means Government Bodies/Agencies, Societies registered under Societies Registration Act 1860 / Societies registered under Co-operative Societies Act, 1912 or Co-operative Societies Act as enacted by concerned States, Charitable Trusts registered with Charity Commissioner of respective State Government, Companies formed under the Companies Act, 1956 / 2013, including Pvt. Ltd. companies.

Various Non-individual entities are as given below:

- (a) Government Bodies/ Agencies
- (b) Central / State Co-operative Societies
- (c) Central / State Societies
- (d) Central / State Charitable Trusts
- (e) Company (Private / Public) Ltd.
- (f) Primary Agricultural Credit Societies (PACS)

3. Salient features of non-individual entities:

- 3.1.** Each of the above mentioned Non-individual entity is a separate legal entity.
- 3.2.** The Member(s) / Director(s) / Trustee(s), who are governing the management of the Non-Individual entity are independent & separate from the Non-Individual entity.
- 3.3.** The liability of members is limited and restricted to their shareholding. These non-individual entities can hold & dispose of the property, in their own name, by following due process and none of the shareholders, directors, members can claim any sort of ownership in it. However, the shareholders in such an entity will retain their right to share in the profits, by way, of receipt of dividends or otherwise.
- 3.4.** The Non-Individual entity is perpetual in its existence irrespective of changes in the members / directors / governing body, till its dissolution.
- 3.5.** The constituent members of these legal entities, i.e., Director(s), Governing body members, Executive body members, Trustees or any other authority under the relevant Acts who manage / govern these Non-Individual entities keep changing as per requirements of the Non-Individual entity and these changes are subservient/ internal to the Non-Individual entity.
- 3.6.** Dealerships are / have been awarded by OMCs to the Non-Individual entities like Private / Public Limited Companies, Societies, Co-operative Societies and Charitable Trusts in the name and style of the entity and **NOT** in the name of the constituent members of these legal entities, i.e., Director(s), Governing body members, Executive body members, Trustees or any other authority who manage / govern these Non-Individual entities, even if such a constituent member(s) of the Non-Individual entity had been authorized by the entity to represent it in the matter of the Dealership. The dealership to non-individual entity is not granted on the individual credential of its Director(s), Governing body members, Executive body members or Trustees.
- 3.7.** In view of above, change in any of the constituent members, i.e., Directors, Governing body members, Executive body members, Trustees or any other authority under the relevant Acts who manage / govern these Non-Individual entities, supported by the resolution of the governing body of the entity, does not affect the legal status of the Non-Individual entity or the legal status of the Dealership held by the Non-Individual entity, provided such changes are

brought about by the Non- Individual entity in accordance with relevant Acts / Laws.

4. Multiple Dealership Norms (MDN)

Vide letter no. P-38012/3/2008-IOC(Pt.) dated 15.09.2008, MDN norms were introduced / made applicable to the non-individual entity's constituent members and their family unit for the first time. Prior to 2008, even the constituent members of a Non-Individual entity including the members of the "family unit" of the constituent member were not barred from holding dealerships in their individual capacities even if the Non-Individual entity was holding one or multiple dealerships / distributorships.

The Multiple Dealership Norms (MDN) under the disqualification criteria applicable to Non-Individual entities (as per DSG 2023) stipulates that the Non-Individual entity (including its subsidiary or holding company) or its constituent members, i.e., Director(s), Governing body members, Executive body members, Trustees or any other authority under the relevant Acts including members of their respective "family Unit" will not be eligible to apply for New RO / SKO-LDO dealership / LPG distributorship, if they are already holding an A / CC site RO / SKO-LDO dealership / LPG distributorship or Letter of Intent (LOI) for A / CC site RO / SKO-LDO dealership / LPG distributorship either as non-individual entity or in their individual capacity.

5. Non-individual Entity Dealership: - Cases not falling under Reconstitution.

There is no restriction for a "non-individual entity" to effect any of the following changes in its constitution:

- 5.1.** Changes made in the constituent members of the Non-Individual entity, i.e. change of Director(s), Governing body members, Executive body members, Trustees, or any other Authority under the relevant Acts, who manage/govern Non-Individual entities (Private Limited Companies, Public Limited Companies, Registered Societies / Co-operative Societies, Charitable Trusts, PACS), do not fall under the ambit of Reconstitution, provided such changes made by the Non-Individual entity have been carried out following the relevant act/law and procedure prescribed under the laws applicable to respective Non-Individual entity and meet the Multiple Dealership norms of OMCs as per the extant Dealership Selection Guidelines in vogue, provided there is no change in the entity concerning the statutory requirements viz, PAN/GST/VAT registrations etc..
- 5.2.** Any change in the Authorized signatory of the non-individual entity based on resolution passed by their Board/Governing body/ Executive body/ Trustees, or any other Authority under the relevant Acts.
- 5.3.** Changes made in the shareholding of the non-individual entity as per procedures mandated under Companies Act / Co-operative Societies Act / Societies Act / Trust Act or other relevant Acts/laws, do not fall under the ambit of Reconstitution, as long as it does not affect the basic/original constitution/spirit/nature/essence/status of the non-individual entity and

there is no change in the entity concerning the statutory requirements viz, PAN/GST/VAT registrations etc.

- 5.4.** However, any such changes made by the non-individual entity, as stated above, shall be brought to the notice of the respective OMC within 30 days of the change. In case, the entity fails to inform such changes, OMCs may initiate action as deemed fit under the Dealership Agreement

6. Reconstitutions Guidelines for dealerships involving a Non-Individual entity:

General Conditions:

- 6.1.** Reconstitution is not allowed at LOI stage except in case of reconstitution arising out of orders passed by NCLT/Court.
- 6.2.** Reconstitution of Dealership shall be allowed only after completion of 3 years from the date of commissioning except for cases arising out of orders passed by NCLT/Court.
- 6.3.** Reconstitution is not allowed from non-individual entity to any Joint Venture Company (JV) or Special Purpose Vehicle (SPV).
- 6.4.** After reconstitution, the newly formed dealership must be structured as either:
- a) A non-individual entity,
 - Or
 - b) An individual entity (sole proprietorship or partnership)

For the purpose of reconstitution, partnerships between two or more non-individual entities are not permitted. Similarly, partnerships between individual and non-individual entities are not permitted. However, this will not be applicable to reconstitution of non-individual entities involving trust/charitable trust/societies where partnership of non-individual with individual is permitted.

7. Reconstitution of Non- Individual dealership awarded to a Company (other than Trust/Charitable trust/ society) having multiple dealerships with Non-Individual entity (other than Trust/Charitable trust/ society).

- 7.1.** In the event of merger, arrangement (demerger) or amalgamation of the Company, reconstitution of the retail outlet dealership will be allowed in favor of resultant company as per the scheme approved under applicable law.
- 7.2.** Reconstitution cases arising out of/due to court orders or NCLT proceedings and cases where some entity has become bankrupt and operations have been taken over by another entity, through due process of law, will be considered in view of MoPNG letter M-12043/(11)/191/2020-OMC-PNG-OMC dated 08.07.2021.

- 7.3. Transfer of dealership through reconstitution by a company, having dealership(s), to its holding company or fully owned (100%) subsidiary company, already having dealership or not, will be allowed and for such transfers MDN will not be applicable.
- 7.4. Transfer of dealership through reconstitution by a company to any other Non-Individual company, not having any dealership / distributorship shall be permitted, subject to incoming non-individual entity meeting MDN norms as stipulated in extant dealership selection guidelines.

8. Reconstitution of “Non-Individual entity” (other than Trust/Charitable trust/ Society) having single retail outlet dealership, to an “Individual” entity.

- 8.1. The Retail Outlets allotted to the Company (non-individual entity), can be allowed to be reconstituted to individual category as proprietorship/partnership to eligible individuals as per the extant Dealership Selection Guidelines.

Retail outlet originally allotted to a Company may be reconstituted into the individual category as detailed below:

The new structure can be either:

- a. A sole proprietorship (for a single individual), or
- b. A partnership (for multiple individuals)

Eligibility criteria: Incoming Individual(s) / Partner (s) should meet the eligibility criteria for applying as an individual, as per extant dealership selection guidelines and should not be disqualified within the ambit of disqualification criteria as per extant dealership selection guidelines except where the relaxation is extended.

The reconstitution process must adhere to the extant Dealership Selection Guidelines and applicable Law of the land. If the proposed individual entity is / are existing director(s) / Governing body members, Executive body members, or any other authority under the relevant Acts of the non-individual entity, then under such circumstances, MDN, as per extant dealership selection guidelines applicable to individual categories, shall be relaxed for the purpose of this reconstitution only. Such MDN relaxation shall be available only to existing Director(s), Governing body members, Executive body members, or any other authority under the relevant Acts of the Non-individual entity.

- 8.2. The non-individual entity of any special / social category can be reconstituted with individual entity (as mentioned above 8.1) from the same special/social category.

9. Reconstitution of Company Dealership “Non-Individual entity” (other than Trust/Charitable trust/society) having multiple retail outlet dealership, to an “Individual” entity.

There may be cases where Non – Individual entity is holding multiple dealerships, along with its Existing Director(s), Governing Body members, Executive Body members etc. holding dealership(s) in their individual capacity, allotted prior to 2008.

- 9.1.** The retail outlets allotted to Non-Individual entities before the DSG 2008 came into force, can be reconstituted to individual category as proprietorship/partnership to eligible individuals as per the extant Dealership Selection Guidelines.
- 9.2.** Retail outlet originally allotted to a Company (Non-Individual entity) may be reconstituted into the individual category as detailed below:

The new structure can be either:

- c. A sole proprietorship (for a single individual), or
- d. A partnership (for multiple individuals)

Eligibility criteria: Incoming Individual(s) / Partner (s) should meet the eligibility criteria for applying as an individual, as per extant dealership selection guidelines and should not be disqualified within the ambit of disqualification criteria as per extant dealership selection guidelines except where relaxation is extended.

- 9.3.** The reconstitution process must adhere to the extant Dealership Selection Guidelines and applicable Law of the land. If the proposed individual entity is / are existing director(s) / Governing body members, Executive body members, or any other authority under the relevant Acts of the non-individual entity, under such circumstances, MDN, as per extant dealership selection guidelines applicable to individual categories, shall be relaxed for the purpose of this reconstitution only. Such MDN relaxation shall be available only to existing Director(s), Governing body members, Executive body members, or any other authority under the relevant Acts of the Non-individual entity.
- 9.4.** In case the individual applicant is / are existing Director(s), Governing body members, Executive body members, or any other authority under the relevant Acts of the Non-individual entity, MDN shall be relaxed post reconstitution. In such cases, both non-individual entity and individual entity can continue to hold their respective dealerships simultaneously post reconstitution.

However, such individual applicant will not be eligible for another dealership through reconstitution mode.

10. Reconstitution of dealership awarded to Trust/ Charitable Trust/Society: Non-Individual to Non-individual.

- 10.1.** The retail outlet dealership allotted to the Trust / Charitable Trust / Society can be reconstituted in favour of any other Trust / Charitable Trust / Society which has intentions to acquire all or substantially all the assets and business, related to such retail outlet of Trust/Charitable Trust/ Society in compliance with relevant laws. The proposer and the successor entity shall be jointly accountable for adhering to all applicable laws and regulations. For such proposals, MDN will be applicable as per the extant Dealership Selection Guidelines.
- 10.2.** For cases where the Trust / Charitable Trust / Society/Co-operative Society (which is proposed to be reconstituted) has been granted special dispensation like preferential allotment of Govt. Land, in such cases the reconstitution should be carried out with a similar type of Trust / Charitable Trust / Society/Co-operative Society formed for the objective, i.e. with an entity having a similar basic character to the original entity, with the approval of the concerned authority. It shall be the responsibility of both the existing non-individual entity and the incoming entity to comply with the existing laws governing the Trust / Charitable Trust / Society/Co-operative Society, and to ensure that the special privileges or exemptions granted to the original entity are not compromised.

11. Reconstitution of Trust/ Charitable Trust/Society in favour of an Individual Entity (Proprietor/Partner(s))

- 11.1.** The reconstitution of dealership allotted to Trusts / Societies /Cooperative societies etc. shall be permitted (wholly or partially) with individual entity (proprietor/partner(s)) in accordance with incorporation documents (Memorandum, Bye-Laws, Rule etc. of such entity) and applicable laws.
- 11.2.** Eligibility criteria: Incoming Individual entity (Proprietor/Partner (s) should meet the eligibility criteria for applying as an individual, as per extant dealership selection guidelines and should not be disqualified within the ambit of disqualification criteria as per extant dealership selection guidelines except where relaxation is extended.
- 11.3.** For such reconstitutions, Multiple Dealership Norms will be applicable as per the extant Dealership Selection Guidelines.
- 11.4.** The proposer and the newly formed entity shall be jointly accountable for adhering to all applicable laws and regulations.
- 11.5.** The reconstitution process must adhere to the extant Dealership Selection Guidelines and applicable Law of the land. If the individual applicant is existing Governing body members, Executive body members, Trustee or any other authority under the relevant Acts of the Non-individual entity, under such circumstances MDN, as per extant dealership selection guidelines applicable to individual categories, shall be relaxed for the purpose of this reconstitution only. Such MDN relaxation shall be available

only to existing Governing body members, Executive body members, Trustee or any other authority under the relevant Acts of the Non-individual entity.

However, such individual applicant will not be eligible for another dealership through reconstitution mode.

12. Reconstitution of Primary Agricultural Credit Societies dealership (PACS)

12.1. The retail outlets of PACS, either converted to RO through one-time offer from consumer pump or allotted through dealership selection mode, can be reconstituted with PACS only.

12.2. MDN as per existing Dealer selection guidelines shall be applicable.

13. Disqualification.

13.1. Reconstitution proposals of Non-Individual entities shall not be processed if:

- i. There is any litigation pending in the Court of Law
- ii. Retail outlet is having any Open /pending Critical / Major irregularity as per MDG- in vogue.
- iii. Existing constitution of non-individual dealership is not in line with the dealership agreement on the record.
- iv. Any pending proceeding which may lead to termination.

14. General terms and conditions.

14.1. The above-referred cases where reconstitution is proposed, will have to comply to the relevant acts as under.

- i. Any Central/State Govt. rules & regulations/Special Govt. dispensation, if any.
- ii. Companies Act.
- iii. Cooperative Society Act.
- iv. Trust Act including Charitable Trust.
- v. Primary Agriculture Credit Society (PACS),
- vi. Any other local laws & statutes, as applicable

14.2. For any reconstitution proposal, the entity will require necessary approval as per the above Acts and bye-laws, including the Board Resolution of the entity before submitting the proposal for reconstitution.

14.3. There should be approval from non-Individual entity Board/ Governing body/ Executive body, or any other authority under the relevant Acts/ government body/ statutory authority as applicable for reconstitution / transfer of dealership in the name of proposed incoming individual/ non-individual entity. Copy of such approval should be enclosed along with the proposal/ application for reconstitution. Similarly, proposed incoming non-individual entity should also submit copy of approval from it's Board/ Governing body/ Executive body, or any other authority under the relevant Acts/ government

body/ statutory authority as applicable for reconstitution / Acceptance of dealership in their name.

- 14.4. Reconstitution of Dealership from an “Individual” entity to a “Non-individual entity” shall not be allowed.**
- 14.5.** The proposals for reconstitution of Non-Individual entity dealerships of SC/ST reservation category shall be permitted with Non-Individual entity or Individuals belonging to respective SC/ST reservation category only. In case of reconstitution proposing induction of outside category partner the percentage of outside category partner shall be restricted to maximum of 25 % only.
- 14.6.** The reconstitution involving a Non-Individual entity will be subject to an expression of willingness for the transfer of dealership by the transferring entity and acceptance by the incoming entity and subject to the incoming entity meeting the eligibility criteria and not being barred under the disqualification criteria of the extant dealership selection guidelines except where relaxation under MDN and eligibility/disqualification criteria has been allowed.
- 14.7.** The incoming entity, whether individual or non-individual, wherever acquires 100% stake in the ‘B/DC’ type dealership must acquire the control over the land and assets of the retail outlet dealership post reconstitution but prior to execution of dealership agreement, for which the reconstitution is proposed. The relevant documents supporting intention to transfer / acquire ownership/control over the land and the assets of the retail outlet dealership shall be submitted along with the proposal. However, before signing of the dealership agreement, the proof of such transfer/acquisition must be submitted by the incoming entity.
- 14.8.** All terms and conditions, with respect to eligibility of incoming individual entity, of reconstitution guidelines applicable to individual dealerships, including MDN and disqualification criteria will be applicable for reconstitution of dealerships of Non-Individual entities, except 7.3, 8.1, 9.3, 9.4 & 11.5. above, where MDN is relaxed for the purpose of reconstitution.

15. PROCESS OF RECONSTITUTION OF NON-INDIVIDUAL ENTITY DEALERSHIPS:

The following process will be adhered to, for disposal of reconstitution proposals of commissioned dealership.

- 15.1.** The proposing entity and the incoming entity shall approach the respective OMC (concerned Divisional/Territory/Regional Office of IOC/BPC/HPC, as applicable) showing the intent to process the Reconstitution proposal along with all the supporting documents.
- 15.2.** OMCs shall peruse/ review all the documents and satisfy themselves including legal aspects that such proposal can be processed under the reconstitution guidelines for non-individual retail outlet dealerships.
- 15.3.** OMC after satisfying itself shall inform the non-individual entity to submit the formal proposal as per reconstitution guidelines.

- 15.4.** Application: The application for reconstitution, in the given format (**Annexure-1, 2, 3, 4 & 5 and Appendix - A, B, C & D**), will be submitted to the concerned Divisional/Territory/Regional Office of IOC/BPC/HPC, as applicable along with supporting documents and affidavits (affidavits in original). Online record and register will be maintained by Divisional/Territory/Regional Office of IOC/BPC/HPC, as stipulated in reconstitution guidelines for Individual dealerships.
- 15.5.** Scrutiny at Divisional/Territory/Regional Office of IOC/BPC/HPC: A two-member committee RSC (Reconstitution Scrutiny Committee) constituted by the Divisional/Territory/Regional in-charge of IOC/BPC/HPC, as applicable, shall assess the eligibility of the proposing non-individual and incoming non-individual/ individual entity in line with the Dealership Selection Guidelines in vogue and the relaxations provided herein above. The RSC will scrutinize the proposal for;
- a. Eligibility and Conformity with the guidelines.
 - b. Eligibility of proposing and incoming Non-individual/ Individual entity as per applicable clauses in dealership selection guidelines in vogue like age, education, multiple dealership norms, disqualification criteria, caste certificate (for SC/ST), board resolution, bye laws of society/trust/Charitable trust/PACS etc.
 - c. Examination of other documents submitted in support of the proposal.
- 15.6.** Communication to Dealership / Field Officer: Within 10 days from receipt of proposal, the Divisional/Territory/Regional Office of IOC/BPC/HPC, as applicable should acknowledge the receipt of the reconstitution application and assign a docket number. Thereafter, within the next 15 days, the proposal will be examined, and a suitable communication should be sent to the applicant covering inter-alia the following (as applicable).
- a. Informing reasons for rejection of proposal (on eligibility norms)
 - b. Informing short comings in the documents with a request to re-submit the corrected / additional documents and that further action will be taken only after receipt of complete proposal / additional documents. After receipt of revised proposal / documents, a new identification no. (Docket no.) shall be given.
 - c. Informing the date and time on which authorized person(s) from existing non-individual entity and authorized signatory of incoming non-individual entity or proposed incoming individual entity should visit the Divisional/Territory/Regional Office of IOC/BPC/HPC, as applicable, for meeting with Divisional/Territory/Regional in-charge and verification of original documents, for proposals found suitable in all respects. This date will be given with minimum notice of 15 days and not beyond 30 days. If a request from the dealership is received for changing the date of meeting, such request should be accommodated and next date with mutual consent should be fixed at the earliest but not later than 30 days. It should also be communicated to the dealership that IOC/BPC/HPC will not be responsible for delay in the process in this account.
 - d. For proposals found suitable in all respects, copy of the application along with annexures will also be sent to the concerned field officer for offering comments within 15 days. The proposal shall also be referred to the law

department of respective OMCs for examining the legal aspects relating to compliance of incorporation documents and relevant laws governing such non-individual entity and their reconstitution proposal.

- 15.7.** Meeting with existing/incoming entities : On due date of meeting with authorized person(s) from existing non-individual entity and authorized signatory of incoming non-individual entity or proposed incoming individual/partner(s) entity, a committee consisting of the concerned field officer along with another officer from Divisional/Territory/Regional Office of IOC/BPC/HPC, as applicable, will verify the identity of the Non-individual / individuals with photo identity cards and also verify the original documents with respect to eligibility criteria. Photocopy of identity cards of all participants, duly signed by them with date, will be kept in record with counter signature of the above mentioned committee members. Any one of the following photo identity cards will be reckoned for the above purpose.

For Individual

- a. PAN Card
- b. Passport
- c. Voter ID
- d. Photo ID card issued by Govt./PSU
- e. Driving Licence

For Non-individual

- a. Authorization from Board/ Governing body/Managing body etc. for attending the meeting.
- b. For identity of person(s), any of the documents mentioned for Individual as above.

- 15.8.** This will be followed by meeting of authorized representatives of existing & proposed incoming entities, in case of non-individual to non-individual reconstitution and authorized representative of non-individual entity & proposed incoming Individual entity, in case of non-individual to individual reconstitution, with the Divisional/Territory/Regional Office in-charge of IOC/BPC/HPC, as applicable, with the above-mentioned committee.

- 15.9.** Proposals will be forwarded to State/Zonal Office of IOC/BPC/HPC, as applicable. The proposal will be reviewed by the Retail Head of State / Manager Marketing (Retail) /Zonal Head and eligible cases will be recommended for approval by the State Head/ Retail Head of State /Zonal Head. Status of approval/rejection of the proposals will be conveyed to the Divisional/Territory/Regional Office in-charge by the State Head/ Retail Head of State /Zonal Head of IOC/BPC/HPC.

- 15.10.** Disposal of proposal at Divisional/Territory/Regional Office level of IOC/BPC/HPC: Within 15 days of receipt of communication on the status (approval / rejection) of the proposal from State/Zonal Office of IOC/BPC/HPC, the following action shall be taken by Divisional/Territory/Regional Office with regard to the proposals;

- a. Proposal will be disposed of by the Divisional/Territory/Regional Office in-charge of IOC/BPC/HPC, as applicable, by conveying “in-principle approval” with instruction for necessary formalities to be completed by the entities for submission of documents giving 90 days’ time, in case of proposals approved by State Head/ Retail Head of State /Zonal Head of IOC/BPC/HPC.

OR

- b. Will be disposed of by the Divisional/Territory/Regional Office in-charge of IOC/BPC/HPC, as applicable, by sending communication on “rejection of proposal”, for proposals found deficient and not approved by State Head/ Retail Head of State /Zonal Head of IOC/BPC/HPC.

15.11. Divisional/Territory/Regional Office in-charge, as applicable, must ensure that the progress of all the proposals starting from receipt of application, meeting with existing/incoming entities, forwarding to State/Zonal office, conveying approval/rejection of proposal, till execution of the agreement is monitored and updated in a separate register for this purpose. The same should be available for review by the visiting officials.

15.12. Retail Head of State /Manager Marketing (Retail) /Zonal head will also initiate regular monitoring system in the State/Zonal Office to facilitate review/monitoring by State Head / Retail Head of State /Zonal Head.

15.13. Formats of application, standard affidavit, indemnity etc. are attached as Annexures to these guidelines.

16. APPROVING AUTHORITY & TIME - LINES FOR DISPOSAL OF PROPOSALS FOR RECONSTITUTION OF NON-INDIVIDUAL COMMISSIONED DEALERSHIPS:

State Head/ Retail Head of State/Zonal Head will be the approving authority for all the proposals received for Reconstitution.

All proposals should be disposed of within 135 days of receipt of **complete** proposal.

17. NON-REFUNDABLE APPLICATION PROCESSING FEE & RECONSTITUTION FEE FOR RECONSTITUTION OF NON-INDIVIDUAL COMMISSIONED DEALERSHIPS:

APPLICATION PROCESSING FEE:

In all cases, the dealerships would be required to pay **non-refundable application processing fee of Rs. 50,000/-** at the time of application, except under the cases mentioned below;

- 1) Reconstitution of SC/ST category non-individual entity dealerships with SC/ST category non-individual /individual entity.

Note: In case of reconstitution of SC/ST category dealership involving outside category entity, non-refundable application processing fee of Rs. 50,000/- shall be applicable.

18. RECONSTITUTION FEE:

Upon approval of reconstitution, the dealerships would be required to pay **a non-refundable reconstitution fee equivalent to Security Deposit amount as applicable under Dealer Selection Guidelines** in vogue, before execution of fresh dealership agreement, except under the cases mentioned below;

1. For proposal involving reconstitution of SC/ST category non-individual with SC/ST category non-individual /individual entity dealership.

Note: In case of reconstitution of SC/ST category dealership involving outside category entity non-refundable reconstitution fee equivalent to Security Deposit amount as applicable under Dealer Selection Guidelines in vogue shall be applicable.

Annexures & Affidavits

INSTRUCTIONS FOR RECONSTITUTION OF COMMISSIONED DEALERSHIP – NON-INDIVIDUAL ENTITY

1. The Reconstitution Policy must be read and understood fully. The online application completes in all respects including processing fee must be submitted to the respective Divisional/Territory/Regional Office of IOC/BPC/HPC, as applicable.
2. An acknowledgement of receipt of application will be issued by the Divisional/Territory/Regional Office along with a reference (docket) number. For all future correspondence the reference number to be mentioned.
3. Application processing fee: A non-refundable application processing fee of Rs. 50,000/- for reconstitution, online mode shall be paid in favour of Indian Oil Corporation Ltd. / Bharat Petroleum Corporation Ltd. / Hindustan Petroleum Corporation Ltd., as applicable.,
4. Reconstitution fee: Non-refundable reconstitution fee equivalent to prevailing security deposit (as applicable to Dealership Selection Policy in vogue) will be collected before execution of agreement as per the reconstitution Policy, as applicable.
5. At an appointed date, the existing & incoming entity have to appear before the Committee along with the original documents, copies of which were submitted / required along with the application.
6. After receiving the “in principle” approval for the reconstitution, the documentary confirmation and legal compliance must be submitted to the Divisional/Territory/Regional Office in-charge within 90 days.

ANNEXURE-1

APPLICATION FOR RE-CONSTITUTION OF NON-INDIVIDUAL COMMISSIONED DEALERSHIP
(NON-INDIVIDUAL TO NON-INDIVIDUAL)

Date: _____

S. NO.	PARTICULARS	DETAILS												
1	Details of Dealership													
(a)	Type of Dealership:	Public / Private limited/ Society/Trust/Charitable Trust/ PACS												
(b)	Name of Dealership													
(c)	SAP Code/Customer Code.													
(d)	Date of Commissioning of Dealership:													
(e)	Age of dealership as on date of proposal:													
(f)	Location:													
(g)	Tehsil / Sub-Division /District:													
(h)	State:													
(i)	Category of the Dealership:	SC / ST / Others												
(j)	Type of Site	A/CC, B/DC												
(k)	If the type of site is B/DC, are you willing transfer the land and assets of the retail outlets incoming entity													
(l)	Number of Dealerships held by the entity Including LPG distributorship and SKO/LDO dealership													
2	Details of existing Non-individual Entity													
(a)	<table border="1"> <thead> <tr> <th>Name of Entity</th> <th>Category SC/ST/Others</th> <th>Public / Private limited/ Society/Trust/Charitable Trust/PACS</th> <th>PAN</th> <th>GST No.</th> <th>TIN</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Name of Entity	Category SC/ST/Others	Public / Private limited/ Society/Trust/Charitable Trust/PACS	PAN	GST No.	TIN							
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3	Details of Land on which Dealership is located: (as per revenue record of Retail Outlet Land)	a. Ownership/Lease details b. Survey /Plot/Gut no. c. Village/Taluka/District d. Plot Size e. Area												
4	Brief reasons for submission of Reconstitution proposal.													
5	Details of approved Board resolution for carrying out reconstitution.													

6	Details of approved Board resolution in favour of authorized person.													
7	Details of the Authorized person	1. Name 2. Address 3. Mobile no. 4. Email Id. 5. PAN No.												
8	Detail of reconstitution proposed													
(a)	Whether reconstitution proposed with subsidiary or holding company:	Yes / No												
(b)	Whether proposed for complete changeover in constitution:	Yes / No												
(c)	Whether dealership is eligible for complete change in constitution based on age of Dealership: (must Complete minimum 3 years after commissioning)	Yes / No												
(d)	If the Dealership was allotted under any special/social category, SC/ST category.	Yes / No / NA												
(e)	Is there any dispute before NCLT/ court pending against non-individual entity	Yes/ No/ Not Applicable												
(e.i)	If yes, details of NCLT proceedings / court cases.													
(f)	Is there is any pending irregularity under MDG against retail outlet	Critical/ Major												
(f.i)	If Yes, Please provide the details													
9	Details of proposed incoming Non-individual Entity													
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Name of Entity	Date of incorporation with registration details.	Telephone / Mobile no.	e-mail ID											
(c)	Details of the Authorized person	1. Name 2. Address 3. Mobile no. 4. Email Id. 5. PAN No.												

(d)	Is there any dispute before NCLT/ court pending against incoming non-individual entity	Yes/ No/ Not Applicable
(e)	If yes, details of NCLT proceedings / court cases	

**Signature of existing Non-Individual entity
(Authorized Person with name and details)**

**Signature of proposed incoming Non-Individual entity
(Authorized Person with name and details)**

ANNEXURE-2

**APPLICATION FOR RE-CONSTITUTION OF NON-INDIVIDUAL COMMISSIONED DEALERSHIP
(NON-INDIVIDUAL TO INDIVIDUAL)**

Date : _____

S. No	PARTICULARS	DETAILS												
1	Details of Dealership													
(a)	Type of Dealership:	Public / Private limited/ Society/Trust/Charitable Trust/PACS												
(b)	Name of Dealership													
(c)	SAP Code/Customer Code.													
(d)	Date of Commissioning of Dealership:													
(e)	Age of dealership as on date of proposal:													
(f)	Location:													
(g)	Tehsil / Sub-Division /District:													
(h)	State:													
(i)	Category of the Dealership:	SC / ST / Others												
(j)	Type of Site	A/CC, B/DC												
(k)	If the type of site is B/DC, are you willing transfer the land and assets of the retail outlets incoming entity													
(l)	Number of Dealerships held by the entity Incl. LPG distributor ship and SKO/LDO dealership													
2	Details of existing Non-individual Entity													
(a)	<table border="1"> <thead> <tr> <th>Name of Entity</th> <th>Category SC/ST/Others</th> <th>Public / Private limited/ Society/Trust/Charitable Trust/PACS</th> <th>PAN</th> <th>GST No.</th> <th>TIN</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Name of Entity	Category SC/ST/Others	Public / Private limited/ Society/Trust/Charitable Trust/PACS	PAN	GST No.	TIN							
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Name of Entity	Date of incorporation with registration details.	Telephone / Mobile no.	e-mail ID											
3	Details of Land on which Dealership is located: (As per revenue record retail outlet land)	a. Ownership/Lease details b. Survey /Plot/Gut no. c. Village/Taluka/District d. Plot Size e. Area												
4	Brief reasons for submission of Reconstitution proposal.													
5	Details of approved Board resolution for carrying out reconstitution.													

6	Details of approved Board resolution in favour of authorized person.	
7	Details of the Authorized person	1. Name 2. Address 3. Mobile no. 4. Email Id. 5. PAN No.
8	Detail of reconstitution proposed	
(a)	Whether proposal is for complete change over or for induction of partner	Complete/Partner
(b)	In case of induction of partner – proposed % share	Non-individual Entity - _____%, Individual Entity _____%
(c)	Whether dealership is eligible for reconstitution based on age of Dealership: (must Complete minimum 3 years after commissioning)	Yes / No
c(i)	Reasons for reconstitution proposal	
(d)	If the Dealership was allotted under any special/social category, SC/ST category.	Yes / No / NA
d(i)	If yes, please mentioned the special category under which dealership was allotted.	
(e)	Is there any dispute before NCLT/ court pending against non-individual entity	Yes/ No/ Not Applicable
(e.i)	If yes, details of NCLT proceedings / court cases.	
(f)	Is there is any pending irregularity under MDG against retail outlet	Critical/ Major
(f.i)	If Yes, Please provide the details	
2	Details of proposed incoming individual Entity	
a	Details of the incoming individual person	1. Name 2. Address 3. Mobile no. 4. Email Id. 5. PAN No.
b	Whether incoming individual holding any role in the existing non-individual entity for which reconstitution is proposed.	Yes/No.
c	If yes, the position held by the individual in the existing non-individual entity for which reconstitution is proposed.	Director/ member Governing Council/Member Executive or Managing Committee / Trustees/ any other authority under the relevant Acts/Laws

d	Whether proposed individual incoming entity full fills the eligibility criteria for individuals as per the DSG in vogue.	Yes/No
e	Whether the incoming individual entity belong to same social class/ category. (provide the details)	Yes/ No

**Signature of existing Non-Individual entity
(Authorized Person with name and details)**

**Signature of proposed incoming Individual entity
(Name and details)**

ANNEXURE-3

JOINT UNDERTAKING

"We, the existing retail outlet dealers, operating the dealership in the name and style of M/s _____ a Retail Outlet Dealership of Indian Oil Corporation Ltd. / Bharat Petroleum Corporation Ltd. / Hindustan Petroleum Corporation Ltd. at _____, District : _____, State _____ along with the proposed incoming entity /partner (s) hereby confirm that all the details furnished in the application are true to the best of my/our knowledge. We also confirm that the non-individual re-constitution policy has been read and understood by us. We confirm that the proposal for re-constitution is submitted consciously after fully understanding the implications of the same."

*For B/DC type dealerships.

*We also declare that upon approval of the reconstitution proposal, the control over land and assets of the retail outlet dealership shall be transferred in favor of incoming entity, within the stipulated time, before the dealership agreement is executed (applicable for 100% change-over).

That if any information/declaration given by me in my application or in any document submitted by me in support of application for reconstitution shall be found to be untrue or incorrect or false, the Indian Oil Corporation Ltd./ Bharat Petroleum Corporation Ltd. / Hindustan Petroleum Corporation Ltd. would be within its rights to terminate the dealership and that I would have no claim, whatsoever, against the Corporation for such termination.

**Signature of existing Non-Individual entity
(Authorized Person with name and details)**

***Signature of incoming Non-Individual entity
(Authorized Person with name and details)**

*** Signature of incoming Individual entity
(Name and details)**

***Delete if not applicable**

ANNEXURE-4

DETAILS OF PROPOSED INCOMING NON-INDIVIDUAL ENTITY FOR RECONSTITUTION OF NON-INDIVIDUAL COMMISSIONED DEALERSHIP

1	Name of the Proposed incoming Non-individual entity		
2	Details of existing Retail Outlet/SKO-LDO Dealership/ LPG distributorship or LOI for above of OMC, if any	Name Social Category A site/ B site	
3	Category of Proposed incoming Non-individual entity	SC / ST / Others/PACS	
4	Relationship with existing non-individual entity	Holding Company/100 % Subsidiary/ Others/NA	
5	Public/Private limited/ Society/Charitable Trust/ Trust/PACS (Specify)		
6	Pan No.		
7	GST NO.		
8	TIN No.		
9	Date of Incorporation		
10	Age of Non-Individual entity dealership as on date of application		
11	Registration Details		
12	Address		
13	District		
14	State		
15	PIN Code		
16	Telephone / Mobile no.		
17	e-mail Id		
18	Name of the authorized person		
19	Photograph of the authorized person		
20	Any other relevant information		

**Signature of existing Non-Individual entity
(Authorized Person with name and details)**

**Signature of incoming Non-Individual entity
(Authorized Person with name and details)**

ANNEXURE-5

DETAILS OF PROPOSED INCOMING INDIVIDUAL ENTITY FOR RECONSTITUTION OF NON-INDIVIDUAL COMMISSIONED DEALERSHIP

1	Name of the Proposed incoming individual entity (Proprietor /Partner’s)		Photograph of the incoming individual entity (Proprietor/Partner’s)	
2	Details of existing Retail Outlet/SKO-LDO Dealership/ LPG distributorship or LOI for above of OMC if any	Name Social Category A site/ B site		
3	Category of Proposed incoming individual entity (Proprietor/ Partner’s)	SC / ST / Others		
4	Relationship with existing non-individual entity	Director/ member Governing Council/Member Executive or Managing Committee / Trustees/ any other authority under the relevant Acts/Laws/ Not Applicable		
5	Address			
6	District			
7	State			
8	PIN Code			
9	Telephone / Mobile no.			
10	e-mail Id			
11	Educational qualification as on date of application			
12	Date of birth			
13	Age as on date of application			
14	Present occupation			
15	PAN no.			
16	Proposed % share of incoming entity*			
17	Any other relevant information			

*Applicable in case of partner in case of recon of Society/ Charitable Trust/ Trust

Note: In case the Individual entity partnership details of each partner to be provided separately.

**Signature of existing Non-Individual entity
(Authorized Person with name and details)**

**Signature of incoming Individual entity
(name and details)**

DETAILS OF ANNEXURES FOR RECONSTITUTION OF NON-INDIVIDUAL COMMISSIONED DEALERSHIP

DOCUMENTS REQUIRED		State attached or not applicable	No. of pages
A. FOR INCOMING INDIVIDUAL ENTITY			
1. Proof of Identity :- Copy of any of the following (Voter ID / PAN Card <input type="checkbox"/> Photo ID card issued by Govt. / PSU / Passport / Driving Licence)			
2. Age Proof :- Copy of any of the following (Birth Certificate, School leaving certificate / Passport / Driving Licence / PAN Card / Self Affidavit / Identity card issued by Election Commission)			
3. Educational Qualification :- Copy of matriculation certificate / SSC / 10 th passing marksheet.			
4. In case of reconstitution of SC/ST category Dealership with SC/ST partners – Copy of SC/ST Certificate from competent authority as per Dealership Selection Guideline in vogue.			
5. Standard Affidavit on Indian nationality, age, multiple dealership norms, non-conviction etc. as applicable (Appendix – A)			
6. Passport size photographs of the incoming Proprietor/ Partner’s to be pasted on the application			
7. If in service, affidavit for resigning from the service after the approval of reconstitution but before the execution of the agreement.			
B. FOR EXISTING & INCOMING NON INDIVIDUAL ENTITY			
1. Attested copy of Registration certificate / copy of Certificate of incorporation of the entity from competent authority			
2. Copy of Pan Card, GST & TIN			
3. Copy of Board/Governing Body/ Managing committee Resolution on approval for proposed Reconstitution			
4. Authority letter & copy of Resolution specifying name of the authorized person for making application			
5. In case of Society/ Charitable Trust/ Trust approval/Permission from competent authority for proposed reconstitution			
6. Standard Affidavit on Non- Individual entity from incoming entity. (Appendix-B)			
7. Attested copies of audited Profit and Loss a/c statement for preceding 3 financial years only for Registered Societies / Companies. However, this shall not be applicable for PACS.			
8. Declaration on no change in basic character of the entity (Appendix – C/D)			
C. OTHER DOCUMENTS			
9. Copy of last dealership agreement			

10. Reconstitution Application Processing Fee (DD for Rs.50000/-)			
11. Document for ownership of the land			
12. Copy of board resolution approving transfer of assets/ rights including land on which retail outlet is situated to the incoming entity.			
13. Draft Copy of the deed of the proposed partnership (if applicable in case of Trust/ Charitable Trust & Society).			
14. Copy of the latest audited balance sheet of the dealership			
15. Recent certificate from Bank (issued within 3 months prior to the date of application) giving the name(s) of account holders of the dealership as per bank account			
16. Total no. of Pages enclosed			

**Signature of existing Non-Individual entity
(Authorized Person with name and details)**

**Signature of incoming Non-Individual entity
(Authorized Person with name and details)**

**Signature of existing Non-Individual entity
(Authorized Person with name and details)**

**Signature of incoming Individual entity
(Name and details)**

APPENDIX - A

Notarized Affidavit

(BY PROPOSED INCOMING INDIVIDUAL ENTITY FOR RECONSTITUTION OF NON- INDIVIDUAL COMMISSIONED DEALERSHIP)

(TO BE TYPED ON APPROPRIATE NON-JUDICIAL STAMP PAPER OF REQUIRED VALUE)

Reconstitution of Retail Outlet Dealership M/s _____, at _____, District : _____, State : _____

I, _____ son/daughter/wife of _____ Age _____ years residing at _____ do hereby solemnly affirm and say as under :

1	That I am an Indian Citizen and resident of India (as per Income Tax Rules).																	
2	That my date of birth is				d	d	/	m	m	/	y	y	y	y	(Age as on date of application for reconstitution in words _____)			
3	* That I have passed the 10 th Standard examination conducted by Board in the year										y	y	y	Y				
4	* That I am unmarried. That neither I, nor my Father, Mother, unmarried brother(s), unmarried sister(s) have dealership/distributorship or hold Letter of Intent for Retail Outlet or SKO-LDO dealership or LPG distributorship of any Oil Company except the subject Retail Outlet Dealership for which Reconstitution is proposed #.																	
OR																		
* That I am married and name of my spouse is _____. That neither I nor my spouse, unmarried son(s) / unmarried daughter(s) have dealership / distributorship or hold letter of Intent for Retail Outlet or SKO-LDO dealership or LPG distributorship of any Oil Company except the subject Retail Outlet Dealership for which Reconstitution is proposed #.																		
OR																		
* That I am widow / widower. That neither I nor my unmarried son(s) / unmarried daughter(s) have dealership/ distributorship or hold letter of Intent for Retail Outlet or SKO-LDO dealership or LPG distributorship of any Oil Company except the subject Retail Outlet Dealership for which Reconstitution is proposed #.																		
OR																		
* That I am divorcee. That neither I , nor any of my unmarried son(s) / unmarried daughter(s) (whose custody is given to me) have dealership/ distributorship or hold letter of Intent for Retail Outlet or SKO-LDO dealership or LPG distributorship of any Oil Company except the subject Retail Outlet Dealership for which Reconstitution is proposed #.																		
5	That I hereby confirm that none of members of my family unit (as per multiple dealership norms as defined in Dealer Selection Guidelines of Oil Marketing Companies) are employees of PSU Oil Marketing Companies.																	
6	I hereby confirm that neither I nor any member of my "family unit" (as defined under Multiple dealership norm for individuals/non-individuals of Disqualification criteria), was ever a signatory to dealership/distributorship agreement of any Oil Company, which was terminated for proven malpractices and / or for violations of provisions of the Marketing Discipline Guidelines.																	

7	That I am of sound mental health & I am not totally paralyzed.
8	That I am married and my name before marriage was _____ and after my marriage to Shri _____ has been changed to Smt. _____.
9	That I have never been convicted by any Court of Law for any criminal offences involving moral turpitude and/or economic offences (other than freedom struggle).
10	That I hereby confirm that I was never a signatory to dealership/distributorship agreement of any Oil Company, which was terminated for proven malpractices and / or for violations of provisions of the Marketing Discipline Guidelines.
11	That I hereby confirm that I will not be taking up any other employment upon my appointment as a dealer. If I am already employed I will resign from the employment and produce the letter of acceptance of resignation by the employer before the acceptance of Letter of Appointment issued by the Oil Company.
12	That I hereby confirm that I am Director/ member Governing Council/Member Executive or Managing Committee / Trustees/ any other authority under the relevant Acts/Laws of the Non Individual entity M/s._____ OR That I hereby confirm that I am NOT a Director/ member Governing Council/Member Executive or Managing Committee / Trustees/ any other authority under the relevant Acts/Laws of the Non Individual entity M/s._____.
13	That I have been duly authorized by the Board of the Non Individual entity M/s._____ to reconstitute the dealership in my Individual capacity thru proposed reconstitution.
14	I hereby declare that I am neither employed in private sector nor drawing any salary/perks/emoluments from State / Central Government. I also affirm that during the tenure of the Dealership I will not draw any salary /perks/emoluments from State / Central Government / Private Sector except the emoluments drawn as board member of the non-individual company for which the reconstitution proposal is submitted.
15	That presently I am not having any contract with any Oil Marketing Company as Service Provider/Labour contractor/Job Contractor for any COCO RO.
16	That, upon reconstitution, I undertake that we will be depositing an interest free Security deposit of Rs. _____ as per the policy of the Corporation.
17	I undertake that arrangement will be made for taking delivery of products on ex-MI basis from the Oil Company within 4 months of intimation thereof from the Oil Company to this effect.
18	That if any information/declaration given by me in my application or in any document submitted by me in support of application for the award of the RO dealership or in this affidavit shall be found to be untrue or incorrect or false, then Corporation would be within its rights to terminate the dealership and that I would have no claim, whatsoever, against the Corporation for termination.

19	@That upon receiving the approval of reconstitution proposal, I shall acquire control over the land and assets of the retail outlet dealership before execution of Dealership agreement.
20	That I am not disqualified from applying for retail outlet dealership within the ambit of disqualification criteria as mentioned in extant dealership selection guidelines.

*** Strike off whatever is not applicable. # Strike off the portion in italics if not applicable.**
@ Applicable for B/DC sites dealership.

I hereby verify that what has been stated above is true and correct to the best of my knowledge and nothing material has been concealed there from.

Signature of Deponent

(Name in block letters)

Solemnly affirmed and declared before me. This _____ day of _____

**Signature and Seal of
Magistrate/Judge/Notary public**

APPENDIX – B

Notarized Affidavit

(TO BE TYPED ON APPROPRIATE NON-JUDICIAL STAMP PAPER OF REQUIRED VALUE)
 ((BY PROPOSED INCOMING NON-INDIVIDUAL ENTITY FOR RECONSTITUTION OF NON- INDIVIDUAL COMMISSIONED DEALERSHIP)

In the matter of RO dealership M/s _____(name of the dealership) at _____ (Location) _____ Dist., _____(State). of Indian Oil Corporation Ltd.* / Bharat Petroleum Corporation Ltd.* / Hindustan Petroleum Corporation Ltd.* whereas _____ (Name of the Registered Society*/Company*/Charitable Trust*) at _____ (Location) has applied for reconstitution of the said RO Dealership.

I, _____son / daughter / wife of _____ Age _____ years resident of _____ in the capacity of # Director/ member Governing Council/Member Executive or Managing Committee / Trustees/ any other authority under the relevant Acts/Laws duly authorized by the #Board/ Governing Council/Executive or Managing Committee / Trustees/ any other authority under the relevant Acts/Laws of M/s _____ (Name of non- individual entity) do hereby solemnly declare:

1	That through a resolution passed by the Registered Society*/Company*/Charitable Trust* I have been authorized to submit and process the application till completion of reconstitution for the said dealership on behalf of the Registered Society*/Company*/Charitable Trust*. A copy of the resolution/authorization is enclosed herewith forming part and parcel of this affidavit.
2	That the said Registered Society is duly registered under Societies Registration Act 1860 or 1912 or Societies Registration Act enacted by the State Government of _____* / Company is formed under the companies act 1956 or 2013* /Charitable Trust* is registered with Charity Commissioner of State Government of _____* (name of the State) on _____ (date of registration/ incorporation) and a photocopy of the certificate of registration is enclosed herewith forming part and parcel of this affidavit.
3	<p>A. That our Registered Society*/Company* had made net profit during the previous consecutive 3 financial Years as certified by Chartered Accountant (Not applicable for PACS).</p> <p style="text-align: center;">OR</p> <p>B. That our society is a registered Primary Agricultural Credit Society (PACS).</p>
4	That on behalf of the Registered Society*/Company*/Charitable Trust* I undertake that we will observe all the relevant guidelines with regard to operation of the said dealership issued by Indian Oil Corporation Ltd.* / Bharat Petroleum Corporation Ltd.* / Hindustan Petroleum Corporation Ltd.* / Government of India or any other statutory body from time to time.
5	That on behalf of the Registered Society*/Company*/Charitable Trust* I undertake that we will operate the dealership ourself.

6	That neither our Registered Society*/Company*/Charitable Trust* nor any Member of the Governing Body/Managing Body/Any such other Body of this Registered Society*/ Charitable Trust*/ Directors of company* has been convicted by any court of law for any criminal offence involving moral turpitude and/or economic offences (other than freedom struggle) punishable under Law. (not applicable to Government owned Companies defined as major shareholding with the Government, Public Sector & Joint Sector Units or Government administered Organization)
7	That neither our Registered Society*/Company*/Charitable Trust* nor any of the Member of its Governing Body/Managing Body/Any such other Body of this Registered Society*/ Charitable Trust*/ Directors of company* including members of their “Family Unit” (as defined under Multiple dealership norm for individuals/non-individuals of Disqualification criteria) was ever a signatory to dealership/distributorship agreement of any Oil Company, which was terminated for malpractice and/or for violation of Marketing Discipline Guidelines. (not applicable to Government owned Companies defined as major shareholding with the Government, Public Sector & Joint Sector Units or Government administered Organization)
8	We hereby confirm that we are eligible for allotment of Retail Outlet dealership as per applicability of Multiple Dealership Norm defined under Clause “Disqualification” in the “Brochure for Selection of Dealers for Regular & Rural Retail Outlets” and do not disqualify for allotment of Retail Outlet dealership under other conditions mentioned therein.
9	That on behalf of the Registered Society*/Company*/Charitable Trust*, I undertake that arrangement will be made for taking delivery of products on ex-MI basis from the Oil Company within 4 months of intimation thereof from the Oil Company to this effect.
10	I also confirm that we are in possession of the supporting documents in original in respect of the information given by me in the application for reconstitution of RO dealership at_____ (Location) of Indian Oil Corporation Ltd.* / Bharat Petroleum Corporation Ltd.* / Hindustan Petroleum Corporation Ltd.*. Failure to present these documents in original, as and when advised ,will result in cancellation of reconstitution due to submission of false/unsupported information in this application.
11	That, upon approval of reconstitution, I undertake that we will be depositing an interest free Security deposit of Rs. _____ as per the policy of the Corporation.
12	I am aware that in the event of any proceedings pending against the dealership/distributorship held by us or any of the Member of its Governing Body/Managing Body/Any such other Body of this Registered Society*/ Charitable Trust*/ Directors of company* or the members of their family unit (as defined under Multiple dealership norm for individuals of Disqualification criteria) on account of critical/major irregularities for violation of Marketing Discipline Guidelines/Dealership Agreement, Control Orders or ESMA, Court cases, Show Cause notices, etc., the allotment made will be conditional and subject to the outcome of such proceedings. I understand that we will also not be entitled for any claim, damages, etc. in case of cancellation of reconstitution in the event of adverse verdict in such pending proceedings.
13	I hereby confirm that our candidature has never been rejected/selection cancelled/dealership or distributorship terminated by any of the OMCs for providing false

	information/misrepresentation of facts/submitting false/fake documents while applying for RO/SKO-LDO Dealership / LPG Distributorship
14	That If any information/declaration given in this application or in any document submitted in support of application for reconstitution of dealership or in this affidavit shall be found to be untrue or incorrect or false, Indian Oil Corporation Ltd.* / Bharat Petroleum Corporation Ltd.* / Hindustan Petroleum Corporation Ltd.* would be within its rights to terminate the dealership (if already reconstituted) and that we would have no claim, whatsoever, against Indian Oil Corporation Ltd.* / Bharat Petroleum Corporation Ltd.* / Hindustan Petroleum Corporation Ltd.* for such termination.

***Strike out whatever is not applicable.**

I hereby verify that what has been stated above is true and correct to the best of my knowledge and nothing material has been concealed there from.

Solemnly affirmed and declared before me

This _____ day of _____

**Signature and Seal of
Magistrate/Judge/Notary public**

**Signature of Deponent
(Name in block letters)**

Note: The stamp paper should be purchased in the name of the deponent

Appendix - C

Notarized Affidavit

(Joint Declaration on no change in basic character of the entity post reconstitution (Non Individual to Non Individual))

(TO BE TYPED ON APPROPRIATE NON-JUDICIAL STAMP PAPER OF REQUIRED VALUE)

Reconstitution of Retail Outlet Dealership M/s _____, at _____, District : _____, State : _____

I, _____ son/daughter/wife of _____ Age _____ years residing at _____ state that through a resolution passed by the Registered Society*/Company*/Charitable Trust* (Existing Entity), I have been authorized to submit and process the application till completion of reconstitution for the said dealership on behalf of the Registered Society*/Company*/Charitable Trust* and do hereby solemnly affirm and say as under.

And

I, _____ son/daughter/wife of _____ Age _____ years residing at _____ state that through a resolution passed by the Registered Society*/Company*/Charitable Trust* (incoming), I have been authorized to submit and process the application till completion of reconstitution for the said dealership on behalf of the Registered Society*/Company*/Charitable Trust* and do hereby solemnly affirm and say as under

We here by jointly confirm that the basic character / status of the existing non-individual entity shall not be altered post reconstitution and it shall be our joint responsibility to comply with the existing laws governing the Society/Trust, and to ensure that the special privileges or exemptions granted to the original entity are not compromised.

Signature of existing Non-Individual entity Signature of proposed incoming Non-Individual entity

(Authorized Person with name and details)

(Authorized Person with name and details)

* Strike out whatever not relevant

Appendix – D

Notarized Affidavit

(Joint Declaration on no change in basic character of the entity post reconstitution - Non individual (Trust/Charitable Trust/Society) to Individual – in partnership)

(TO BE TYPED ON APPROPRIATE NON-JUDICIAL STAMP PAPER OF REQUIRED VALUE)

Reconstitution of Retail Outlet Dealership M/s _____, at _____, District : _____, State : _____

I, _____ son/daughter/wife of _____ Age _____ years residing at _____ state that through a resolution passed by the Registered Society*/Trust* /Charitable Trust* (Existing Entity), I have been authorized to submit and process the application till completion of reconstitution for the said dealership on behalf of the Registered Society*/Trust* /Charitable Trust* and do hereby solemnly affirm and say as under

And

I, _____ son/daughter/wife _____ of _____ Age _____ years residing at _____ (Incoming individual / Minority partner) do hereby solemnly affirm and say as under

We hereby jointly confirm that the basic character / status of the existing non-individual entity (Registered Society*/Trust* /Charitable Trust*) shall not be altered post reconstitution and it shall be our joint responsibility to comply with the existing laws governing the Registered Society*/Trust* /Charitable Trust*, and to ensure that the special privileges or exemptions granted to the original entity are not compromised.

Signature of existing Non-Individual entity

Signature of incoming Individual entity

(Authorized Person with name and details)

(Name and details)

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