

PETROLEUM AND NATURAL GAS REGULATORY BOARD

NOTIFICATION

New Delhi, the 19th March, 2008

G.S.R. 196(E).---In exercise of the powers conferred by Section 61 of the Petroleum and Natural Gas Regulatory Board Act, 2006 (19 of 2006), the Petroleum and Natural Gas Regulatory Board hereby makes the following regulations, namely:---

1. Short title and commencement.

- (1) These regulations may be called the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

- (1) In these regulations, unless the context otherwise requires, ---
 - (a) “Act” means the Petroleum and Natural Gas Regulatory Board Act, 2006;
 - (b) “appointed day” means the date of October 1, 2007 when the Central Government notified the establishment of the Petroleum and Natural Gas Regulatory Board;
 - (c) “authorized area” means the specified geographical area for a city or local natural gas distribution network (hereinafter referred to as CGD network) authorized under these regulations for laying, building, operating or expanding the CGD network which may comprise of the following categories, either individually or in any combination thereof, depending upon the criteria of economic viability and contiguity as stated in Schedule A, namely:-
 - (i) geographic area, in its entirety or in part thereof, within a municipal corporation or municipality, any other urban area notified by the Central or the State Government, village, block, tehsil, sub-division or district or any combination thereof; and
 - (ii) any other area contiguous to the geographical area mentioned in sub-clause (i);
 - (d) “Board” means the Petroleum and Natural Gas Regulatory Board established under sub-section (1) of section 3 of the Act;
 - (e) “City Gate Station” (hereinafter referred as CGS) means the point where custody transfer of natural gas from natural gas pipeline to the CGD network takes place;
 - (f) “compression charge for CNG” means a charge (excluding statutory taxes and levies) in Rs. / Kg for online compression of natural gas into compressed natural gas (hereinafter referred to as CNG) for subsequent dispensing to customers in a CNG station;

- (g) “development of a CGD network” means laying, building, operating or expanding a city or local natural gas distribution network;
 - (h) “network tariff” means the weighted average unit rate of tariff (excluding statutory taxes and levies) in rupees per million British Thermal Units (Rs./ MMBTU) for all the categories of customers of natural gas in a CGD network;
 - (i) “piped natural gas” (hereinafter referred as PNG) means natural gas transported through pipelines in a CGD network for consumption by any customer in domestic, commercial or industrial segments and includes natural gas supplied to an online CNG station before its compression.
- (2) Words and expressions used and not defined in these regulations, but defined in the Act or in the rules or regulations made thereunder, shall have the meanings respectively assigned to them in the Act.

3. Application.

- (1) These regulations shall apply to an entity which is laying, building, operating or expanding, or which proposes to lay, build, operate or expand a CGD network.
- (2) A CGD network shall be designed to operate at a pressure as specified in the relevant regulations for technical standards and specifications, including safety standards for maintaining the volumes of supply of natural gas on a sustained basis to meet the following requirements, namely:-
 - (a) customers having requirement of natural gas upto 50,000 SCMD shall be supplied through the CGD network;
 - (b) customers having requirement of natural gas more than 50,000 SCMD and upto 100,000 SCMD shall be supplied-
 - (i) through the CGD network; or
 - (ii) through a pipeline not forming part of the CGD network;
 - (c) customers having requirement of natural gas more than 100,000 SCMD shall be supplied through a pipeline not forming part of the CGD network.

4. Initiation of proposal through expression of interest route or *suo-motu* by Board.

- (1) An entity desirous of laying, building, operating or expanding a CGD network shall submit an expression of interest to the Board in the form of an application at Schedule B alongwith an application fee as specified under the Petroleum and Natural Gas Regulatory Board (Levy of Fee and Other Charges) Regulations, 2007.
- (2) The Board may *suo-motu* invite bids from entities interested in laying, building, operating or expanding a CGD network for any specified geographical area.

5. Criteria for selection of entity for expression of interest route.

- (1) The Board may carry out a preliminary assessment of the expression of interest with respect to the following, namely:-
 - (a) natural gas availability position;

(b) possible connectivity with an existing or proposed natural gas pipeline for supply of natural gas to the city gate of the proposed CGD network, including LNG supplies by tank trucks or tank wagons and CNG by cascades; and

(c) any other relevant issue as the Board may consider necessary.

(2) The Board may, within fifteen days of the receipt of expression of interest and based on its preliminary assessment, either issue an open advertisement in at least one national and one vernacular daily newspaper (including webhosting) publishing receipt of an expression of interest and commencement of public consultation process period of thirty days or reject the expression of interest:

Provided that in case the Board rejects the expression of interest, it shall inform the entity of the decision alongwith the reasons for rejecting the expression of interest.

(3) During the period of public consultation process, any person or entity may submit in writing to the Board its views, if any, on the expression of interest.

(4) The Board may, based on the views received and taking into consideration the criteria specified in Schedule A, decide or fix the authorized area for the proposed CGD network, including the decision whether it should be different from that indicated in the expression of interest.

(5) The Board may, within a period of fifteen days after the end of the public consultation process period, publish through an open advertisement in at least one national and one vernacular daily newspaper (including webhosting), the proposal for the development of CGD network and invite bids for the same.

(6) The Board shall scrutinize the bids received in response to the advertisement in respect of only those entities which fulfill the following minimum eligibility criteria, namely:-

(a) entity has paid the application fee alongwith the application-cum-bid as specified under the Petroleum and Natural Gas Regulatory Board (Levy of Fee and Other Charges) Regulations, 2007:

Provided that the entity submitting the bid, which has already paid the application fee at the time of submission of the expression of interest shall not pay the application fee at this stage unless there is a requirement to pay additional application fee on account of change in the authorized area;

(b) entity is technically capable of laying and building CGD network as per the following qualifying criteria, namely:-

(i) entity has on its own in the past laid and built either a hydrocarbon pipeline of a length not less than three hundred kilometers on a cumulative basis or a CGD network;

(ii) entity has a joint venture with another entity (with at least eleven percent equity holding by that entity) which in the past has laid and built either a hydrocarbon pipeline of a length not less than three hundred kilometers on a cumulative basis or a CGD network;

(iii) entity intends to lay and build proposed city or local gas

distribution network on lump sum turnkey or project management consultancy basis through one or more technically competent firms which in the past have laid and built either a hydrocarbon pipeline of a length not less than three hundred kilometers on a cumulative basis or a CGD network and the entity shall also enclose a list of such firms alongwith aforesaid proof of their technical competence:

Provided that the entity shall have the freedom to choose from amongst such firms at the time of execution of the project and the Board reserves the right to cross verify the credential of the firms included in the list and seek any clarifications; or

- (iv) entity has an adequate number of technically qualified personnel with experience in construction, pre-commissioning and commissioning of hydrocarbon pipelines and also has a credible plan to independently undertake and execute the CGD project on a standalone basis.

Explanation.- The entity shall have at least three technically qualified personnel on its permanent rolls having experience of not less than one year in the following areas, namely:-

- (i) right of way acquisition or clearance securing;
 - (ii) design and execution of a hydrocarbon pipeline project;
 - (iii) pre-commissioning including hydro-testing and restoration; and
 - (iv) safety of hydrocarbon pipeline and installations;
- (c) entity is technically capable of operating and maintaining a CGD network as per the following qualifying criteria, namely:-
- (i) entity on its own has an experience of at least one year in operations and maintenance of a CGD network;
 - (ii) entity has a joint venture with another entity (with eleven percent holding of that entity) which has an experience of at least one year in operations and maintenance of a CGD network;
 - (iii) entity intends to operate and maintain the proposed CGD network through an appropriate technical assistance agreement for a period of at least one year with another party having experience of at least one year in operations and maintenance of a CGD network; or
 - (iv) entity has an adequate number of technically qualified personnel with experience in commissioning, and operation and maintenance (O&M) of hydrocarbon pipelines and also has a credible plan to independently undertake the O&M activities for a CGD project on a standalone basis.

Explanation.-

1. In relation to sub-clause (iii), –

- (a) the entity shall submit in its application-cum-bid an exhaustive list of proposed firms with whom it desires to have a technical assistance agreement alongwith the proof of relevant and credible experience of such firms and the entity may choose a firm or more from amongst the firms in this list for operation and maintenance of the proposed CGD network and the Board reserves the right to cross verify the credential of the firm or firms included in this list and seek any clarifications;
- (b) the entity shall also submit a credible plan along with the bid to develop an in-house O&M team for city or local gas distribution network.

2. In relation to sub-clause (iv), the entity shall have at least three technically qualified personnel on its permanent rolls having experience of not less than one year in the following areas, namely:-

- (a) commissioning of a hydrocarbon pipeline;
- (b) operation and maintenance of natural gas pipelines and natural gas installations including gas compressors;
- (c) commercial issues including gas pricing, gas measurement, accounting, billing and collection; and
- (d) safety of natural gas infrastructure;

(d) the entity has agreed to abide by the relevant regulations for technical standards and specifications, including safety standards;

(e) the entity has adequate financial strength to execute the proposed project, operate and maintain the same in the authorized area and shall meet the following financial criterion to qualify for bidding for a single CGD network, namely:-

Tier	Population in the authorized area as per census of India, 2001 or other published records of the Central or the State Government, whichever is higher	Minimum combined net worth (*) of the entity along with its promoters available for investments in a single CGD Network duly supported by letter of comfort from promoters
(1)	(2)	(3)
I	5 million or more	= Rs.1,500 million for a population of 5 million, and proportionately higher for population of more than 5 million (\$)
II	1 million or more but less than 5	= Rs.1,000 million
III	0.5 million or more but less than	= Rs.500 million
IV	0.25 million or more but less than 0.50 million	= Rs.250 million
V	0.1 million or more but less than	= Rs.100 million
VI	Less than 0.1 million	= Rs.50 million

- (*) combined net worth (equity share capital plus free reserves, but excluding revaluation reserves) to be adequately represented by cash funds, which shall be available as bridge finance and as promoters equity contribution in the project as certified by a Chartered Accountant based on the latest financial position of the entity and its promoters. The promoters undertaking, in the form of letter of comfort, stating that promoters financial contribution in the project shall be converted in to equity share capital within three months of the date of grant of authorization must accompany the application.
- (\$) For example, if the population is 12 million, then, the combined net worth shall be equal to a minimum of Rs.3,600 million (i.e., Rs.1,500 million X 12 / 5);
- (f) the entity, on being declared as a successful bidder and not being a company registered under the Companies Act, 1956, shall become a company registered under the Companies Act, 1956;
- (g) the entity should have a credible plan for sourcing natural gas for supply in the proposed CGD network;
- (h) entity shall furnish a bid bond for an amount equal to-
 - (i) rupees fifty million for a population of five million and proportionately higher amount for population of more than five million.

Illustration.- The bid bond in case of population of the city or local area of twelve million shall be rupees one hundred twenty120 million (that is, rupees fifty million X 12/ 5);
 - (ii) rupees thirty million for a population of one million and more but less than five million;
 - (iii) rupees twenty million for a population of half a million and more but less than one million;
 - (iv) rupees fifteen million for a population of quarter of a million and more but less than half a million;
 - (v) rupees ten million for a population of one-tenth of a million and more but less than quarter of a million;
 - (vi) rupees five million for a population less than one-tenth of a million;
- (i) entity submitting the bid should not have been imposed any penalty under section 28 or punished under Chapter IX of the Act;
- (j) in case the entity submitting the bid does not fulfill the requirements of any criteria under clauses (a) to (i), the bid submitted by it shall be summarily rejected and a communication in this regard shall be sent to it and the financial bid shall not be opened for that entity;
- (k) the bid bond shall be –

- i) encashed if an entity submitting the bid walks out;
 - ii) released in respect of the unsuccessful entity submitting the bid;
 - iii) retained till the prescribed performance bond is furnished at the time of authorization by the successful bidder.
- (7) The application-cum-bid shall be submitted in two parts in the form as specified in Schedule C in separate properly earmarked and sealed envelopes, namely:-
- (a) Part I (Technical bid) covering general particulars of the entity and technical details of the project including minimum eligibility criteria under sub-regulation (6);
 - (b) Part II (Financial bid) covering the financial details under regulation 7.
- (8) A time period of ¹[one hundred and twenty days] shall be allowed for submission of the application-cum-bid for grant of authorization for laying, building, operating and expanding the CGD network and any application-cum-bid received after the notified date shall not be considered.
- (9) The Board may extend the date of submission of bids upto a period of one month through an advertisement in the same manner as specified under sub-regulation (5), including in a situation where only a single application- cum-bid is received in response to the original advertisement.

6. Invitation by Board for laying, building, operating or expanding of CGD network.

The Board may *suo-motu* form a view regarding the development of a CGD network in a specific city or a geographic area, and in such a case, the procedure as specified in regulation 5 (except aspects relating to the expression of interest shall be replaced by project details as prepared by the Board) shall apply.

7. Bidding criteria.

- (1) The Board, while considering the proposal for authorization, shall tabulate and compare all financial bids meeting the minimum eligibility criteria, as per the bidding criteria given below, namely:-
- (a) lowness of the present value of the overall unit network tariff for usage of the proposed CGD network by all categories of customers of natural gas (including supply of natural gas to online compressor for CNG) over the economic life of the CGD network project (twenty five years from the date of authorization). The entity is required to bid for the tariff charge for each year of the economic life of the project. This shall have a weightage of forty percent;
 - (b) lowness of the present value of the compression charge for CNG for dispensing in the CNG stations in the proposed CGD network over the economic life of the project. The entity is required to bid for the compression charge for CNG for each year of the economic life of the project. This shall have a weightage of ten percent;

¹ Subs. by reg. 2, the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Amendment Regulations, 2008, for the words 'sixty days' (w.e.f. 19.11.2008).

- (c) highness of the present value of the inch-kilometer of steel pipelines proposed to be laid in the CGD network during the period of exclusivity in terms of an exemption from the purview of the common carrier or contract carrier as specified in the Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Networks) Regulations, 2008. The entity is required to bid for the inch- kilometer of steel pipeline in CGD network for each of the year of the exclusivity period. This shall have a weightage of twenty percent; and
 - (d) highness of the present value of the number of domestic customers proposed to be connected by PNG by the entity during the period of exclusivity in terms of an exemption from the purview of common carrier or contract carrier as specified in the Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Networks) Regulations, 2008. The entity is required to bid for the number of domestic customers to be connected by PNG for each of the year of the exclusivity period. This shall have a weightage of thirty percent.
- (2) The present value in the criteria at clauses (a) to (d) of sub-regulation (1) shall be calculated by the entity using a discount rate equal to fourteen percent.
 - (3) Entity with the highest composite score considering the criteria under clauses (a) to (d) of sub-regulation (1) and as illustrated in Schedule C (1) shall be declared as successful in the bid.

8. Fixation and recovery of network tariff and compression charge for CNG.

- (1) The network tariff for transportation of natural gas in the CGD network shall be fixed as per the network tariff bid under clause (a) of the sub-regulation (1) of regulation 7 and shall be recovered from all categories of customers of PNG and CNG.
- (2) The compression charge for CNG in the CGD network shall be fixed as per the compression charge for CNG bid under clause (b) of the sub-regulation (1) of regulation 7 and shall be recovered from the customers of CNG only.
- (3) The entity shall recover the network tariff and the compression charge for CNG separately through an invoice without any premium or discount on a non-discriminatory basis.
- (4) Any cost subsequent to the online compression of natural gas into CNG, such as, towards storage and transportation of CNG in a cascade mounted system to a CNG station is an activity associated with the dispensation of CNG and is not covered under these regulations.

9. Performance bond.

- (1) Grant of authorization shall be issued to the selected entity after it furnishes a performance bond of an amount equal to-
 - (a) rupees one hundred million or five percent of the estimated project capital cost, whichever is higher in respect of an authorized area with a population of five million or more;
 - (b) rupees sixty million or five percent of the estimated project capital cost, whichever is higher in respect of an authorized area with a population of one million or more

but less than five million;

- (c) rupees forty million or five percent of the estimated project capital cost, whichever is higher in respect of an authorized area with a population of half a million or more but less than one million;
- (d) rupees thirty million or five percent of the estimated project capital cost, whichever is higher in respect of an authorized area with a population of quarter of a million or more but less than half a million;
- (e) rupees twenty million or five percent of the estimated project capital cost, whichever is higher in respect of an authorized area with a population of one-tenth of a million or more but less than quarter of a million;
- (f) rupees ten million or five percent of the estimated project capital cost, whichever is higher in respect of an authorized area with a population less than one-tenth of a million.

Explanation.- The amount of the performance bond shall be revised by applying the above basis in case the estimated project cost undergoes a change on completion of the financial closure as per regulation 11.

- (2) The performance bond has been prescribed for guaranteeing the timely commissioning of the proposed CGD network as per the prescribed targets and also for meeting the service obligations by the selected entity during the operating phase of the project.

10. Grant of authorization.

- (1) The authorization shall be granted to the selected entity in the form at Schedule D within a period of thirty days of the last date of submitting the bid.
- (2) The grant of authorization is subject to the entity achieving a firm natural gas tie-up and a financial closure as per regulation 11.
- (3) The grant of authorization to the entity shall not be renounced by way of sale, assignment, transfer or surrender to any person or entity during the period of three years from the date of its issue.
- (4) The entity intending to renounce the authorization in favour of another entity after the end of the three years period shall submit a proposal to the Board at least thirty days in advance and shall provide all information as may be called for by the Board.
- (5) The Board after satisfying itself that the proposal will not adversely affect the existing or proposed activities of laying, building, operating or expansion of the CGD network shall either accept the proposal in full or with such modifications as it may deem fit and in a case where the entity is permitted by the Board to take over the activities of laying, building, operating or expanding the CGD network such entity shall abide by the existing or modified terms and conditions of the authorization including compliance with the service obligations and adherence to the quality of service standards:

Provided that the Board reserves the right to reject the proposal in public interest and

in such a case the Board shall provide in writing the reasons for such rejection.

11. Natural gas tie-up and financial closure.

- (1) The entity authorized under regulation 10 shall enter into a firm natural gas supply agreement for the proposed CGD network project with any entity owning natural gas in a transparent manner on the principle of “at an arm’s length” for a period equal to or more than the exclusivity period for exemption from the purview of common carrier or contract carrier allowed under the Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Networks) Regulations, 2008 within ninety days of the date of issue of the authorization.
- (2) The volume of natural gas supply under the agreement referred to in sub- regulation (1) shall be equal to at least fifty percent of the volumes considered in the determination of the network tariff bid for each year of the exclusivity period allowed for exemption from the purview of common carrier or contract carrier under the Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Networks) Regulations, 2008.
- (3) The authorized entity shall obtain the financial closure of the project from a bank or financial institution within a period of one hundred and twenty days from the date of the authorization.
- (4) In case of an internally financed project, the entity shall submit the approval of its Board of Directors’ for the detailed feasibility report (hereinafter referred as DFR) of the project alongwith its financial plan within one hundred and twenty days of the authorization:

Provided that the Board may ask the entity to submit any further details or clarifications on the financial closure.

- (5) In case the entity fails to meet the requirements at sub-regulations (1) to (4), the authorization of the entity for laying, building, operating or expanding CGD network shall be cancelled and the performance bond shall be encashed and the Board reserves the right to re-award the authorization in a transparent manner and the entity shall have no right whatsoever against the Board for seeking any compensation or remedy on this account.

12. Exclusivity period.

The period of exclusivity to lay, build, operate or expand a city or local natural gas distribution shall be as per the provisions in the Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Networks) Regulations, 2008.

13. Post-authorization monitoring of activities (pre-commissioning).

- (1) An authorized entity shall provide, on a quarterly basis, a progress report detailing the clearances obtained, targets achieved, expenditure incurred, works-in-progress and other relevant information in the form at Schedule E.
- (2) The Board shall seek compliance by the entity to the relevant regulations for technical standards and specifications, including safety standards through conduct of technical and safety audits during the commissioning phase as well as on an on-going basis

thereafter for ensuring safe commissioning and operation of the CGD network.

- (3) The Board shall monitor the progress of the entity in achieving various targets with respect to the CGD network project, and in case of any deviations or shortfall, advise remedial action to the entity.

14. **Service obligations of authorized entity (post commissioning).**

- (1) The entity may take an interest-free refundable security deposit from domestic PNG Customer towards security of the following equipments and facilities including the labour cost of installation towards last mile connectivity, that is, between the riser isolation valve before the metering unit and the suraksha hose pipe connecting the burner in the customer's premises for an amount not exceeding rupees five thousand for a single connection, namely:-

- (a) riser isolation valve before the metering unit;
- (b) ten meters of pipe up to the metering unit;
- (c) metering unit;
- (d) five meters of pipe or tube from the metering unit up to the excess flow check valve-cum-isolation valve;
- (e) excess flow check valve-cum-isolation valve; and
- (f) suraksha hose pipe of standard size connecting the domestic PNG burner:

Provided that the network tariff bid by the entity shall include the charges towards the last mile connectivity.

Explanation.-

1. The domestic PNG customer shall bear the actual cost of the material and labour charges for pipe and the tubing in excess of the length specified above.
 2. The domestic PNG customer shall pay the actual cost of installation including labour charges from the common metering unit onwards for connecting another domestic PNG burner or any other gas-based appliance in the same premises.
- (2) The entity may take an interest-free refundable security deposit from non- domestic PNG customers for an amount not exceeding the actual cost of the metering unit and other related equipment and labour charges towards installation:

Provided that these are installed by the entity in the customer's premises.

- (3) The entity shall not exert any undue influence on any domestic PNG customer to purchase natural gas burner stove or avail of any other service not connected with the supply of natural gas.
- (4) The entity shall convert the existing LPG burner stove of a prospective domestic PNG customer into natural gas burner stove free of charge.
- (5) The authorized entity shall maintain separate books of accounts including detailed

activity-based costing records to segregate direct, indirect and common costs alongwith the basis of allocation and the revenues earned in respect of the activities of-

- (a) purchase of natural gas including its odourization;
 - (b) transportation of natural gas in the CGD network;
 - (c) online compression of natural gas into CNG;
 - (d) transportation of CNG in a cascade mounted system, if any;
 - (e) marketing or distribution including commission allowed to any agency for marketing or distribution of natural gas and CNG in the CGD network; and
 - (f) dispensing of CNG including booster compression, if any.
- (6) The costs and revenues associated with activities other than those stated in clauses (a) to (f) of sub-regulation (5) should be reflected separately in the books of accounts of the entity.
- (7) The authorized entity shall ensure that –
- (a) there is no cross-subsidization of the costs between the activity of transportation and the activity of marketing of natural gas in the CGD network;
 - (b) the confidentiality of customer information collected in the course of providing regulated service is maintained; and
 - (c) there is no preferential access allowed to itself or to any other entity for the activity of transportation of natural gas in the CGD network.
- (8) The authorized entity shall be responsible for getting the technical and safety audits carried out by independent technical experts or accredited agencies out of the panel approved at regular intervals during the commissioning phase as well as on an on-going basis thereafter to ensure compliance with the relevant regulations for technical standards and specifications, including safety standards and the audit report alongwith the findings shall be submitted to the Board and the Board may review the same and advise remedial action, if any, to the entity.
- (9) The entity will have to meet the service obligations as stated under the Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Networks) Regulations, 2008.

15. Quality of service standards.

- (1) The entity laying, building, operating or expanding a CGD network must comply with the quality of service standards as specified in Schedule F.
- (2) The performance of the entity in complying with the quality of service standards shall be periodically assessed by the Board and compared against the minimum prescribed benchmarks and a performance consistently below the minimum prescribed benchmark may lead to the consequences specified under regulation 16.

16. Consequences of default and termination of authorization procedure.

(1) An authorized entity shall abide by all the terms and conditions specified in these regulations and any failure in doing so, except for *force majeure*, shall be dealt with as per the following procedure, namely:-

(a) the Board shall issue a notice to the defaulting entity allowing it a reasonable time to fulfill its obligations under the regulations;

(b) no further action shall be taken in case remedial action is taken by the entity within the specified period to the satisfaction of the Board;

(c) in case of failure to take remedial action the Board may encash the performance bond of the entity as per the following basis, namely:-

(i) twenty five percent of the amount of the performance bond for the first default; and

(ii) fifty percent of the amount of the performance bond for the second default:

Provided that the entity shall make good the encashed performance bond in each of the cases at sub-clause (i) and (ii) within a week of encashment, failing which the remaining amount of the performance bond shall also be encashed and authorization of the entity terminated.

(iii) one hundred percent of the amount of performance bond for the third default and simultaneous termination of authorization of the entity;

(d) the procedure for implementing the termination of an authorization shall be as provided in Schedule G;

(e) without prejudice to as provided in clauses (a) to (d), the Board may also levy civil penalty as per section 28 of the Act in addition to taking action as prescribed for offences and punishment under Chapter IX of the Act.

17. Entity authorized by the Central Government for laying, building, operating or expanding CGD network before the appointed day.

(1) The entity shall submit relevant information along with supporting documents in the form as in Schedule H within a period of one hundred and eighty days from the appointed day.

(2) The entity shall abide by the terms and conditions of the authorization by the Central Government including obligations, if any, imposed by the Central Government.

(3) The entity shall abide by the relevant regulations for technical standards and specifications, including safety standards and the quality of service standards as specified under regulation 15.

(4) The Board may consider grant of exclusivity on such terms and conditions as per the provisions in the Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Networks) Regulations, 2008.

(5) The network tariff and the compression charge for CNG shall be as determined under the Petroleum and Natural Gas Regulatory Board (Determination of Network Tariff for

City or Local Natural Gas Distribution Networks and Compression Charge for CNG), Regulations 2008.

- (6) The activities of the entity may be subject to such other regulations as may be applicable as per the provisions of the Act.

18. Entity not authorized by the Central Government for laying, building, operating or expanding CGD network before the appointed day.

(1) An entity laying, building, operating or expanding a CGD network at any time before the appointed day but not duly authorized to do so by the Central Government shall apply immediately for obtaining an authorization in the form as at Schedule I.

(2) The Board may take into consideration the following criteria while considering the application for grant of authorization, namely:-

(a) the entity meets the minimum eligibility criteria as ¹[***] specified in clauses (a) to (e) and (i) of sub-regulation (6) of regulation 5 before the appointed date and is possessing all necessary statutory clearances, permissions, no objection certificates from the Central and State Governments and other statutory authorities;

(b) an entity which is not registered under the Companies Act, 1956 at the time of submitting the application for grant of authorization shall undertake to become a company registered under the Companies Act, 1956:

Provided that the Board may exempt an entity to register under the Companies Act, 1956 on such conditions as it may deem appropriate;

(c) a satisfactory assessment of the actual physical progress made and the financial commitment thereof till immediately before the appointed day in comparison with the entity's DFR appraised by the financial institution funding the project. In case the project has not been funded by any financial institution, the Board may appraise the DFR. The DFR of the entity should clearly indicate the specified geographical area of the project and also specify the coverage proposed for CNG and PNG. In case upon scrutiny of the DFR by the Board by taking into account the geographical area, customer segments, infrastructure requirements, etc. proposed by the entity, the DFR is found to be sub-optimal and unacceptable, the Board may not consider the case of the entity for issuing the authorization;

(d) in respect of the actual physical progress made and the financial commitment thereof referred to in clause (c), a physical progress of at least twenty five percent and a financial commitment of at least twenty five percent of the capital expenditure identified for the CGD project as per the DFR immediately before the appointed day may be considered as adequate;

(e) the entity should have arranged, by way of acquisition or lease, land for CGS and procured the necessary equipment for erecting the CGS before the appointed day;

(f) the Board reserves the right to get the actual physical progress and the financial

¹ The word 'at' specified in Cl. (a) of sub-reg. (2) of reg. 18 has been omitted by reg. 3, *ibid.* (w.e.f. 19.11.2008).

commitment certified and depending upon the progress achieved, the Board may consider authorizing the entity for the authorized area-

- i) as per the geographical area in its DFR;
 - ii) as per the geographical area actually covered under implementation till the appointed day; or
 - iii) the geographical area as specified by the Board;
- (g) in relation to laying, building, operating or expanding the CGD network, it is for the entity to satisfy the Board on the adequacy of its ability to meet the applicable technical standards, specifications and safety standards as specified in the relevant regulations for technical standards and specifications, including safety standards and the quality of service standards as specified in regulation 15;
 - (h) assessment of the financial position of the entity in timely and adequately meeting the financial commitments in developing the CGD network project as appraised by a financial institution and an examination of the audited books of accounts of the entity;
 - (i) firm arrangement for supply of natural gas to meet the demand in the authorized area to be covered by the CGD network;
 - (j) any other criteria considered as relevant by the Board based on the examination of the application.
- (3) The evaluation of the application in terms of the clauses (a) to (j) shall be done in totality considering the composite nature and the inter-linkages of the criteria.
 - (4) The Board, after examining the application in terms of the criteria under sub- regulation (2) and also taking into account the requirements in other regulations may form a *prima-facie* view as to whether the case should be considered for authorization.
 - (5) In case of *prima-facie* consideration, the Board shall issue a public notice in one national and one vernacular daily newspaper (including webhosting) giving brief details of the project and seek comments and objections, if any, within thirty days from any person on the proposal.
 - (6) The Board, after examining the comments and objections, if any under sub- regulation (5), may either consider or reject the case for grant of authorization for the CGD network.
 - (7) In case it is decided to grant authorization, the same shall be in the form at Schedule D;
 - (8) In case of rejection of the application, the Board shall pass a speaking order after giving a reasonable opportunity to the concerned party to explain its case and proceed to select an appropriate entity for the project in terms of regulation 6.
 - (9) In case the entity is selected for grant of authorization for CGD network,-
 - (a) the network tariff and the compression charge for CNG shall be determined under the Petroleum and Natural Gas Regulatory Board (Determination of Network Tariff

for City or Local Natural Gas Distribution Networks and Compression Charge for CNG), Regulations 2008;

- (b) the Board may consider grant of exclusivity on such terms and conditions as specified in the Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Networks) Regulations, 2008;
- (c) the entity shall abide by the technical standards, specifications including safety standards as specified under relevant regulations for technical standards and specifications, including safety standards;
- (d) the provisions under regulations 9, 13, 14, 15 and 16 shall apply to the entity.

19. Miscellaneous.

If any dispute arises with regards to the interpretation of any of the provisions of these regulations, the decision of the Board shall be final.

Schedule A

[see regulations 2 (1) (c) and 5 (4)]

Basis for defining authorized area for laying, building, operating or expanding CGD network

The specified geographical area in respect of an authorized area for a CGD network as per regulation 2 (1) (c) of the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008 may be determined considering the following criteria of economic viability and geographical contiguity, namely:-

1. **Economic viability.**

The authorized area should have natural gas demand potential over various categories of customers to *prima-facie* justify investments in laying, building, operating or expanding a CGD network over its economic life. The guiding principles in this regard may include -

- a) viable projected volume built-up representing all types of customer segments, such as, industrial, commercial, transport, domestic, etc.;
- b) ease of operation and maintenance of the CGD network in the proposed area and serviceability to all category of customers; and
- c) economic viability of the project of laying, building, operating or expanding a CGD network in the area proposed.

2. **Geographical contiguity.**

For the purpose of any area to be considered as contiguous to the geographical area as per regulation 2 (1) (c) of the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008, such an area shall not have an economic viability to have an independent CGD network on its own.

Note:

The Board reserves the right to intervene during the expression of interest stage itself, if in its opinion the specified geographical area is too large to sustain customer service; or allow safe and convenient operations; or has a potential to restrict competition. In the alternative, the Board may also intervene in case the geographical area considered is too small; or covers only a certain class of customers; or tantamount to cherry-picking. In all such cases, the Board may prescribe a geographical area of a size different than that indicated in the expression of interest.

Schedule B

[see regulations 4 (1) and 5 (6)]

Application form for submitting expression of interest by an entity desirous of laying, building, operating or expanding a CGD network

- A. Only an entity which complies with the minimum eligibility criteria as per regulation 5 (6) of the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008 is eligible to submit its application for submission of expression of interest to the Board.
- B. Entities must enclose documentary proof in support of its meeting the minimum eligibility criteria.
- C. The entity submitting the expression of interest must submit the following information:

1	General Details
A	Name of the Entity
B	Type of firm – Public Limited Company / Private Limited Company / Partnership firm / Proprietorship firm / Others (please specify)
C	Date of incorporation and date of commencement of business
D	Address of Registered office
2	Basic Data
A	<p>1) Population and number of households under the proposed CGD network.</p> <p>2) Geographical area in square kilometers and segregated in different categories in terms of the provisions under regulation 2 (c) of the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008. The area should also be depicted in a physical map.</p> <p>3) Economic activity in the proposed geographical area in terms of industrial and commercial activity (number of units and fuel mix).</p> <p>4) Vehicular population profile.</p>
B	Preliminary Assessment of the potential demand for natural gas in the proposed CGD network amongst various customer segments.

C	Likely source of supply of natural gas and plans for access to the natural gas pipeline.
D	Whether the States or the Union Territories, in whose jurisdiction the proposed CGD network is located, has enacted any legislation or taken any administrative action to promote the use of natural gas in the said city? If the reply to the question is yes, then, provide copy of the said enactment or administrative order.
3	Application fee of Rs. _____ paid vide demand draft/ pay order number <__> and dated <_____> drawn on <name of bank and branch>.

Date:

Place:

Name and signature of entity or authorized signatory

Official Seal

Schedule C

[see regulation 5 (7)]

Application-cum-bid for grant of authorization for CGD network

To,
The Secretary,
Petroleum and Natural Gas Regulatory Board,
Ist Floor, World Trade Centre
Babar Lane, Connaught Place,
New Delhi – 110 001.

Sub: Application-cum-bid for grant of authorization for laying, building, operating or expanding city or local natural gas distribution network in the proposed geographical area of _____ in the State or Union Territory of _____ under the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008

(Attach separate sheets for providing information wherever necessary)

Part-I – General details of the entity and technical details of the project (to be submitted in a properly earmarked, sealed and separate envelope)		
1	Details of the entity	
A	Name of the entity	
B	Type of firm – Public Limited Company / Private Limited Company / Partnership firm / Proprietorship firm / others (please specify and attach copy of Articles of Association or Partnership deed, etc., as applicable).	
C	Date of incorporation and date of commencement of business.	
D	Address of registered office.	
E	Name, addresses, telephone numbers, e-mail ID of all directors / partners / proprietor (please provide full details with STD Code and Pin Code).	
2	Financial details	
A	Share capital or proprietor's own funds as applicable.	
B	Loans – amount, tenure, moratorium period, rate of interest, taken from and asset mortgaged or hypothecated for securing the same, if any.	
C	Reserves, if any	
D	Fixed Assets	
E	Current Assets	
F	Current Liabilities	

G	Sales Turnover	
H	Profit After Tax	
	(Attach copies of audited Profit and Loss Account and Balance Sheet for last three financial years) - In case entity is a subsidiary company, copies of audited Profit and Loss Account and Balance Sheet for last three financial years of the parent company to be attached.	
3	Business activities of the entity	
A	Details of all existing city gas distribution network of the entity, if any, and including specifications, installed capacity, capital cost, year-wise details of operating cost, age of the network, gas volumes transported in the network alongwith details of customer profile, distribution network map and drawings showing details of existing facilities and future plan, natural gas sources, average unit network tariff being charged, etc.	
B	Details of tie-up or collaboration with any entity for natural gas supply and marketing.	
C	Details of other business, if any, being carried out by the promoters for the last five years.	
4	Ownership and affiliate details	
A	Details of promoters	
B	Details of all affiliates of the entity mentioning the business relationship between the entity and the affiliates ("affiliate" means as defined in the relevant regulations for affiliate code of conduct).	
C	The entity undertakes to produce all relevant records or documents of itself and its related entities on demand by the Board.	Yes / No
D	Is the entity a company registered under Companies Act, 1956?	Yes / No
E	Is the entity promoted by a company registered under Companies Act, 1956?	Yes / No

F	The entity undertakes to become a company, in case it is not a company at the time of submission of this application-cum-bid, under the Companies Act, 1956 on being selected for grant of authorization.	Yes / No
G	Promoters undertaking in the form of letter of comfort stating that their financial contribution in the project shall be converted in to equity share capital within three months of the date of grant of authorization. Enclose the letter of comfort from the promoters.	Yes / No
5	Technical details of the proposed CGD network project	
A	Name of the proposed CGD network project.	
B	Details of the city, town or area earmarked in developmental zones in respect of the proposed CGD network project along with a sketch showing facilities proposed.	
C	Technical specifications of the project attaching the copy of the feasibility report and covering full details of pipeline design, pressure, length of network, pipeline diameter, pipeline thickness, route, corrosion protection arrangements, city gate station, natural gas source, tap-off points, main block valves, isolation valves, emergency shutdown valves, odourization facilities, metering arrangements, CNG stations, HSE measures, etc.	
D	Development plan envisaged for the proposed CGD network project - design and installed capacity of the CGD network along with details of phased-out capital expenditure plans including the projected dates of commencement of operations phase- wise and the details of the activities or targets associated with the completion of the project to be enclosed.	

E	Estimates of volume of natural gas including supplies to CNG stations before compression proposed to be transported and sold. Also, give details of projected anchor volumes, if any.	
F	Sources of supply of natural gas and capacity tie-up with the natural gas pipeline including connectivity and the details of tie-up phase wise, if any.	
G	Whether the State or the Union Territory, in whose jurisdiction the proposed CGD network is located, has enacted any legislation or has taken administrative action to promote the use of natural gas in the said geographical area? If the reply to the question is yes, then provide copy of the said enactment or the administrative order.	Yes / No
H	Are all applicable technical standards, specifications including safety standards, as specified under the relevant regulations for technical standards and specifications, including safety standards have been considered and complied with in designing the CGD network? Provide full details.	Yes / No
I	Attach copy of the Disaster Management Plan.	
J	Is the project entitled to any subsidy, exemption, deferment or waiver of any statutory levy from the Central or the State Governments? If yes, give complete details indicating the year-wise utilization plan of the entity.	Yes / No
K	Non-refundable Application fee under the regulation 5 (6).	Rs. <_____>
	Demand draft or pay order	
	Demand draft or pay order number and date	
	Name of issuing bank and branch	
L	Bid bond	Rs. <_____>

	Demand draft or pay order	
	Demand draft or pay order number and date	
	Name of issuing bank and branch	
Part-II: Financial bid (to be submitted in a separate earmarked sealed envelope) to be opened for those entities qualifying the minimum eligibility criteria under regulation 5 (7)		
A	Present Value (PV) of the Weighted Average Network Tariff Bid for laying, building, operating or expanding the CGD network over the economic life of the project (which is twenty five years from the date of authorization).	<p>PV of the weighted average unit network tariff bid for each year of the economic life of the project using the discount rate of 14% is Rs. <_> per MMBTU</p> <p>Year-wise weighted average unit network tariff bid-</p> <p>Year 1: Rs.<____> per MMBTU</p> <p>Year 2: Rs.<____> per MMBTU</p> <p>:</p> <p>:</p> <p>Year 25: Rs.<____> per MMBTU</p>
B	Present Value (PV) of the compression charge bid for compressing natural gas into CNG for dispensing in the CNG stations of the CGD network over the economic life of the project (which is 25 years from the date of authorization).	<p>PV of the compression charge for CNG bid for each year of the economic life of the project using the discount rate of 14% is Rs.<____> per Kg</p> <p>Year-wise compressed charge for CNG bid-</p> <p>Year 1: Rs.<____> per Kg</p> <p>Year 2: Rs.<____> per Kg</p> <p>:</p> <p>:</p> <p>Year 25: Rs.<____> per Kg</p>
C	Present Value (PV) of inch-kilometer of steel pipeline bid in the CGD network during the period of exclusivity in terms of exemption from purview of common carrier or contract carrier.	<p>PV of inch-kilometer of steel pipeline bid in the CGD network using the discount rate of 14% is <inch-kilometer></p> <p>Year-wise inch-kilometer bid-</p> <p>Year 1: <____> inch-kilometer</p>

		<p>Year 2: <____> inch-kilometer</p> <p>Year 3: <____> inch-kilometer etc. (Each year of exclusivity in terms of exemption from purview of common carrier or contract carrier)</p>
D	<p>Present Value of the number of PNG domestic customers bid in the CGD network during the period of exclusivity in terms of exemption from the purview of common carrier or contract carrier.</p>	<p>PV of the number of PNG domestic connections bid using the discount rate of 14% is <Number></p> <p>Year-wise number of PNG domestic connections bid-</p> <p>Year 1: <____> number</p> <p>Year 2: <____> number</p> <p>Year 3: <____> number etc. (Each year of exclusivity in terms of exemption from purview of common carrier or contract carrier)</p>

DECLARATION

1. Certified that the above information is true to the best of my / our knowledge and belief and the information and data given in the annexure, attachments, enclosures and calculation sheets accompanying this application-cum-bid are correct, complete and truly stated, and if any statement made herein is found to be incorrect, the application-cum-bid shall be rejected, the application fee and the Bid Bond shall be forfeited and I / We shall be liable to be proceeded against and for punishment under the provisions of the Act.
2. I / We certify that the above application-cum-bid is the only application-cum-bid submitted and no other application-cum-bid has been or is being submitted separately for this city or local area by me / us.

Date:

Place:

Name and Signature of Entity/ Authorized Signatory

Official Seal

Instructions for filling the Application-cum-bid:

1. All entries in the form and annexed documents should be legible with no cuttings.
2. Details requiring separate statement may be enclosed giving clear reference of the point against which the same is being attached.
3. All pages of the application-cum-bid and the attachments and statements need to be serially numbered and initialed by the person or official authorized by the entity through a notarized power of attorney.
4. Any information filled in the application-cum-bid needs to be substantiated by attaching relevant proof of the same.
- ¹[5. The entity is required to submit in duplicate its application-cum-bid with all enclosures. A soft copy of the application-cum-bid with all enclosure in a compact disc with digital signatures shall also be submitted.]
6. Incomplete application-cum-bid is liable to be summarily rejected.

¹ Subs. by reg. 4, for 'point 5' in Schedule C, *ibid.* (w.e.f. 19.11.2008).

Schedule C (1)

[see regulation 7 (3)]

Illustration showing the basis of determining the highest composite score for
ascertaining the successful bid for grant of authorization for CGD network

Let there be three entities whose bids need to be compared for determining the successful bid over the bidding criteria described below-

(A) Network tariff bid in CGD network.

Let,

N1 = Present value of the network tariff bid for twenty five years by the 1st entity.

N2 = Present value of the network tariff bid for twenty five years by the 2nd entity.

N3 = Present value of the network tariff bid for twenty five years of the 3rd entity.

Assume that N1 is lower than N2 and N2 is lower than N3.

The least present value of the network tariff bid (LN1) shall be given a score of 100% and the present value of the other network tariff bids shall be given a score in relation to LN1 on a pro-rata basis as under-

$$LN1 = 100 \% \text{ for } N1$$

$$LN2 = 100 \% \times (N1 \div N2)$$

$$LN3 = 100 \% \times (N1 \div N3)$$

(B) Compression charge for CNG bid in CGD network.

Let,

C1 = Present value of the compression charge for CNG bid for twenty five years by the 1st entity.

C2 = Present value of the compression charge for CNG bid for twenty five years by the 2nd entity.

C3 = Present value of the compression charge for CNG bid for twenty five years by the 3rd entity.

Assume that C1 is more than C2 and C2 is more than C3.

The least present value of the compression charge for CNG bid (C3) shall be given a score of 100% and the present value of the other network compression charge for CNG bids shall be given a score in relation to LC3 on a pro-rata basis as under-

$$LC1 = 100 \% \times (C3 \div C1)$$

$$LC2 = 100 \% \times (C3 \div C2)$$

$$LC3 = 100 \%$$

(C) Inch-Kilometer of steel pipelines bid in CGD network.

Let,

IK1 = Present value of the inch-kilometer of steel pipelines bid by the 1st entity over the period of exclusivity in terms of the exemption from the purview of the contract carrier or common carrier.

IK2 = Present value of the inch-kilometer of steel pipelines bid by the 2nd entity over the period of exclusivity in terms of the exemption from the purview of the contract carrier or common carrier.

IK3 = Present value of the inch-kilometer of steel pipelines bid by the 3rd entity over the period of exclusivity in terms of the exemption from the purview of the contract carrier or common carrier.

Assume that IK1 is lower than IK2 and IK2 is lower than IK3.

The highest present value of the inch-kilometer bid (HIK3) shall be given a score of 100% and the present value of the other inch-kilometer bids shall be given a score in relation to HIK3 on a pro-rata basis as under-

$$\text{HIK1} = 100 \% \times (\text{IK1} \div \text{IK3})$$

$$\text{HIK2} = 100 \% \times (\text{IK2} \div \text{IK3})$$

$$\text{HIK3} = 100 \%$$

(D) Number of PNG domestic customers bid in CGD network.

Let,

P1 = Present value of the PNG domestic customers by the 1st entity over the period of exclusivity in terms of the exemption from the purview of the contract carrier or common carrier.

P2 = Present value of the PNG domestic customers of the 2nd entity over the period of exclusivity in terms of the exemption from the purview of the contract carrier or common carrier.

P3 = Present value of the PNG domestic customers of the 3rd entity over the period of exclusivity in terms of the exemption from the purview of the contract carrier or common carrier.

Assume P1 is higher than P2 and P2 is higher than P3.

The highest present value of the PNG domestic customers bid (HP1) shall be given a score of 100% and the present value of the other PNG domestic customers bids shall be given a score in relation to HP1 on a pro-rata basis as under-

$$\text{HP1} = 100\%$$

$$\text{HP2} = 100 \% \times (\text{P2} \div \text{P1})$$

$$\text{HP3} = 100 \% \times (\text{P3} \div \text{P1})$$

Now, the composite score of three entities shall be computed by assigning the respective weights assigned to each of the bidding criterion as indicated below-

$$\text{Entity 1} = 0.40 \times \text{LN1} + 0.10 \times \text{LC1} + 0.20 \times \text{HIK1} + 0.30 \times \text{HP1}$$

$$\text{Entity 2} = 0.40 \times \text{LN2} + 0.10 \times \text{LC2} + 0.20 \times \text{HIK2} + 0.30 \times \text{HP2}$$

$$\text{Entity 3} = 0.40 \times \text{LN3} + 0.10 \times \text{LC3} + 0.20 \times \text{HIK3} + 0.30 \times \text{HP3}$$

The entity with the highest composite score shall be declared as successful in the bid.

Schedule D

[see regulations 10 (1) and 18 (7)]

Grant of authorization for laying, building, operating or expanding CGD network

To,

<Name of the Successful Bidding Entity>

<Address>

Subject: Grant of authorization for laying, building, operating or expanding CGD network in the authorized area of <____> in the State or the Union Territory of <_> under the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008

Sir/Madam,

With reference to your application-cum-bid for grant of authorization for laying, building, operating or expanding the CGD network in <name of the authorized area> in the State or the Union Territory of <name>, it has been decided to grant you the authorization subject to the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008 and the following terms and conditions:

1. The Authorized Area for laying, building, operating or expanding the proposed CGD Network shall cover an area of <__> square kilometers and as depicted in the enclosed drawing.
2. The activities of laying, building, operating or expansion of the CGD Network to commence within a period of ___days from the date of this authorization.
3. The activities permitted above shall have to be completed as per the approved time schedule enclosed. Any failure on the part of the entity in complying with the milestones prescribed in the time schedule shall lead to consequences as specified under regulation 16 of the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008.
4. The entity shall design and install an optimal size of the infrastructure in terms of pipelines of various types including steel belting of the authorized area, online compressors of adequate capacity for compressing of natural gas into CNG, allied equipments and facilities in the CGD network as identified in its DFR depending upon the potential demand for natural gas. The infrastructure in the CGD network should be adequate to maintain uninterrupted flow of natural gas in the pipelines and be also able to maintain supplies at adequate pressure to online CNG stations.
5. The entity shall maintain an uninterrupted supply of natural gas to all categories of customers in the CGD network. In the event of any disruption in the supply of natural gas in the CGD Network, first priority shall be accorded to restoration of supplies to domestic PNG customers. In case of disruption of supply to domestic PNG customers for more than twelve hours, the entity shall compensate to the domestic customer on the following basis:-

- (a) the normative volume of natural gas consumption for the first domestic PNG connection for cooking requirements based on last three months weighted average consumption per day to be applied for each day's disruption and multiplied by ten;
- (b) normative value of natural gas consumption shall be based on last three months' weighted average billing price of natural gas for supplies to the first domestic PNG connection for cooking requirements; and
- (c) the value of compensation shall be equal to normative volume of natural gas consumption as per clause (a) multiplied by normative value as per clause (b) and shall be adjusted by allowing a credit to the domestic PNG Customer in the next billing cycle or in the next pre-paid smart card in case of smart card metering.

In case the disruption of supplies is attributed to any fault of the domestic PNG customer, no compensation shall be payable by the entity.

- 6. The entity is allowed an exclusivity period under the Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Networks) Regulations, 2008, in respect of the following:
 - (a) _____months from the date of issue of this communication for laying, building and expansion of the CGD network; and
 - (b) _____months from the date of issue of this communication in terms of an exemption from the purview of common carrier or contract carrier for the CGD network:

Provided that the entity meets the obligations in line with the Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Networks) Regulations, 2008:

Provided further that the period of exclusivity allowed under sub-clause (a) or sub-clause (b) may be terminated before the expiry of the period mentioned above in line with the provisions under Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Networks) Regulations, 2008.

- 7. The authorized entity shall be required to take prior approval from the Board for creation of any lien, charge or hypothecation of the CGD network to secure finances for the project and furnish details of utilization of funds. However, in case of raising funds from any financial institution or bank, the entity will be required to only inform the Board of the sanction of the funds within a period of seven days.
- 8. The entity shall submit a detailed and clear financial closure report to the Board within a period of one hundred and twenty days from the date of authorization issued by the Board under regulation 10 of Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008.
- 9. The entity shall publish the approved network tariff for transportation of natural gas as well as the compression charge for CNG in the CGD network in the authorized area.
- 10. The entity shall publish the applicable retail selling price of PNG for all categories of customers and also for the purpose of invoicing in Rs./ MMBTU.

11. The entity shall publish and display the retail selling price of CNG for the purpose of invoicing to CNG customers in Rs./ Kg at all CNG dispensing stations.
12. The furnishing of performance bond of Rs. __Million is a guarantee for timely commissioning of the project as per the prescribed targets in the bid and for meeting the service obligations during the operating phase of the project.
13. The entity shall abide by-
 - (a) the service obligations as specified under regulation 14 of the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008;
 - (b) the service obligations specified under the Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Networks) Regulations, 2008;
 - (c) the service obligations specified in Schedule-J to the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008;
 - (d) the quality of service standards as specified under regulation 15 of Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008.
14. In case the authorization of the entity is terminated, the Board may assign the rights and obligations of the entity to any agency or another entity on such terms and conditions, as it may deem fit. Further, the entity may be required, as per the directions of the Board, to continue the operations of the CGD network at the same level till another agency or entity appointed by the Board takes over the full control of the CGD network.
15. The entity shall comply with the applicable provisions under the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008, Petroleum and Natural Gas Regulatory Board (Determination of Network Tariff for City or Local Natural Gas Distribution Networks and Compression Charge for CNG) Regulations, 2008, Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Networks) Regulations, 2008, relevant regulations for technical standards and specifications, including safety standards, any other regulations as may be applicable and the provisions of the Act.

The entity shall comply with any other term or condition which may be notified by the Board in public interest from time to time.

You are requested to confirm your acceptance by filling-in the acceptance of the grant of authorization provided below and return the same in original.

Yours faithfully,
Sd/-

Dated:

Name and Designation of Officer
On behalf of the PNGRB
Official Seal

Acceptance of the Grant of Authorization

I / We hereby accept the grant of authorization issued by the PNGRB vide letter ref. < ____> dated <__> and agree to comply with all the terms and conditions subject to which I/ We have been granted the authorization for laying, building, operating or expanding city or local natural gas distribution ¹[network]in the authorized area of ___in the State or the Union Territory of ____.

Date:

Place:

Signature of the Entity or Authorized Signatory

Name and Official Seal

¹ Ins. by reg. 6, *ibid.* (w.e.f. 19.11.2008).

Schedule-E
[see regulation 13 (I)]

Quarterly submission of data by authorized entity

- A. The data and information required to be submitted by the entity in the following form shall be analyzed by the Board by comparing the –
- (1) actual progress made by the entity versus the physical and financial targets, identified in its DFR;
 - (2) actual number of domestic customers connected by PNG versus the numbers committed in the bid or as fixed by the Board for the entities authorized by the Central Government before the appointed day or for the entities laying, building, operating or expanding the CGD network before the appointed day and authorized by the Board in case such entities have sought exclusivity; and
 - (3) inch-kilometer of steel pipeline actually laid versus that committed in the bid or as fixed by the Board for the entities authorized by the Central Government before the appointed day or for the entities laying, building, operating or expanding the CGD network before the appointed day and authorized by the Board in case such entities have sought exclusivity.
- B. Monitoring of the progress shall be taken up by the Board on a quarterly basis and the notice of deviations and shortfalls, if any, shall be sent to the entity on an annual basis for a prompt resolution. In case of any delay in meeting the yearly commitments within the notice period or in case of repeated violations, the entity may face the consequences specified under regulation 16 of the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008 or under regulation 10 of the Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Network) Regulations, 2008, or both.

A	Name of Authorized Entity	
B	Project Name	
C	Date of grant of authorization	
D	Date of commencement of operations	
E	Details of composition of the ownership of the entity (please give details of variations, if any, since the date of authorization)	

F	<p>Self certification by the entity in terms of its compliance with the requirements of regulation 14 (7) of the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008.</p> <p><u>Note:</u></p> <p>The Board reserves the right to seek any information or data from the entity, as it may deem to be fit, to satisfy itself to the compliance by the entity.</p>		
G	Financial details (in Rs. Million)		
1	Capital investment		
	(a) <u>Fixed Assets</u>		
	Opening balance		
	Direct additions		
	Transfer from CWIP		
	Deletions, if any		
	Closing balance		
	(b) <u>Capital Work-in-progress (CWIP)</u>		
	Opening balance		
	Additions		
	Transfer to fixed assets		
	Deletions, if any		
	Closing balance		
2	Operating Expenses		
	(a) Consumables and chemicals		
	(b) Utilities - Power and Fuel		
	(c) Salaries		
	(d) Repair and Maintenance		
	(e) General administrative expenses		
	(f) Insurance		
	(g) Any other expenses (to be detailed)		
3	Financial Expenses		
	(a) Interest on working capital borrowings (WCB)		
	(b) Interest on term loans		
4	Depreciation		

5	Revenue Earned		
	(a) Network tariff		
	(b) Compression charge for CNG		
	(c) Marketing of natural gas		
	(d) Other Income - interest, etc.		
6	Loans Status		
	(a) <u>Term Loans</u>		
	Opening		
	Added		
	Repaid		
	Closing		
	(Provide details of each loan - interest rate, moratorium period, term, terms and conditions, etc.)		
	(b) <u>Working capital loans</u>		
	Opening		
	Added		
	Repaid		
	Closing		
	(Provide details of each loan - interest rate, moratorium period, term, terms and conditions, etc.)		
7	Network Tariff and Compression Charges for CNG Charged		
	CNG (Rs./ Kg)		
	Network tariff (Rs./ MMBTU)		
H	Physical details		
1	Quantity of gas transported in the CGD network		
	CNG (in Kg)		
	Residential (in MMBTU and SCM)		
	Commercial (in MMBTU and in SCM)		
	Industrial (in MMBTU and SCM)		
2	Average heat value of natural gas (in MMBTU/SCM)		
3	Number of customers connected with PNG supplies		
	Domestic		
	Commercial		
	Industrial		

	<p><u>Note:</u> In respect of PNG domestic customers-</p> <p>a. Actual to be compared with the number committed in the bid or fixed by the Board.</p> <p>b. Action plan of the entity to rectify the shortfall, if any in the next period.</p>		
4	Inch Kilometer of steel pipeline		
	Till last quarter		
	Laid and built in the current quarter		
	Length as at the end of the quarter		
	<p><u>Note:</u> a. Actual inch-kilometer to be compared with that committed in the bid or as fixed by the Board.</p> <p>b. Action plan of the entity to rectify the shortfall, if any in the next period.</p>		
5	Pipeline length (in Kilometers).		
	Till last quarter		
	Laid and built in the current quarter		
	Length as at the end of the quarter		
	(Provide details for all types of pipelines based on material (steel or PE), diameter, pressure rating, etc.).		
6	Online compression capacity (in cubic meters and number of online compressors).		
	Till last quarter		
	Added now		
	Total as on date		
7	CNG dispensing stations of the entity (in cubic meter of dispensing capacity and number).		
	Till last quarter		
	Added now		
	Total as on date		
	(To be indicated against each type of CNG stations - mother, online and daughter booster stations, etc.).		
8	Project completion status (physical progress and financial commitment in percentage terms) as per approved schedule. Please provide details for each activity as per the approved time schedule to the grant of authorization and reasons for deviation, if any.		

9	CNG Vehicles conversion		
	Provide details of number of vehicles (commercial vehicles, taxis, Auto-rickshaws, private cars, buses, etc.) converted into CNG during the quarter.		
10	Any other information or data as may be prescribed by the Board or may be considered relevant by the entity.		

Date:

Place:

Signature of the Entity or Authorized signatory
Name and official Seal

Note:

The Information and data in the above form should be certified by a Chartered Accountant.

Schedule-F
[see regulation 15 (1)]
Quality of Service Standards

General.

The purpose of specifying the quality of service standards is to specify the minimum level of performance expected of the entity in laying, building, operating or expanding the CGD network in terms of service to be provided to the customers and other entities. In order to enable the entity to satisfactorily comply with the quality of service standards, other stakeholders, like, customers and other entities are also expected to diligently fulfill certain minimum responsibilities. While the authorized entity shall have to mandatorily comply with the quality of service standards, it may widely advertise the minimum responsibilities expected of the customers and other entities and also incorporate the same suitably in the contracts. The quality of service standards are indicated below:-

1. System upkeep and customer classification.

(1) Entity's responsibility:

- a) To ensure upkeep of the system as per the technical standards, specifications including safety standards specified under the relevant regulations for technical standards and specifications, including safety standards at all points of time;
- b) to ensure that the type of customers are classified in terms of prioritization for use of line pack volumes and the order of restoration of supplies in case of disruption or interruption in the CGD network as per the following order of priority:
 - i) domestic PNG customers,
 - ii) essential services (hospitals, clinics, milk supplies, etc.),
 - iii) CNG customers, and
 - iv) Others

The contracts with the customers should accordingly contain a specific clause on dealing with interruptibility in natural gas supplies;

- c) to maintain the quality of natural gas in the CGD network as per the technical standards, specifications and safety standards in the relevant regulations for technical standards and specifications, including safety standards.

(2) Customer's responsibility:

- a) to ensure safety of equipment and facilities provided by the entity within the premises;
- b) to clearly state the purpose of gas usage and ensure use against the same connection.

2. Request for connection.

(1) Entity's responsibility:

- a) to publish in newspaper and its official website, the roll-out plan for laying, building, operating or expanding the CGD network within the authorized area after authorization for the information of the general public;
- b) to provide connectivity promptly provided the premises of the customer including the route have the necessary safety and statutory clearances;
- c) to explain the terms and conditions of the standard contract to the all categories of customers;
- d) to select safe and best possible route to provide connection;
- e) to ensure every consumption point is installed with a meter;
- f) in case of own reticulated system (in terms of pipelines and metering unit) for all the buildings within the colony or an area, to ensure that the internal pipeline network and equipments comply with the technical standards, specifications and safety standards as specified in the relevant regulations for technical standards and specifications, including safety standards before supplying PNG. In such a case, the entity shall not take any interest-free security deposit from the customers or charge any network tariff for Last Mile Connectivity.

(2) Customer's responsibility:

- a) to inform the entity of any change in residential status or the ownership status;
- b) to take prior permission of the entity, if any changes are required to be made in the area in the premises having the installation;
- c) to make necessary payment of deposit and sign the contract;
- d) to be responsible for any civil work required for the safety of the pipelines, piping or other facilities and equipments installed by the entity within customer's premises and not tamper with the same.

3. Metering and billing.

(1) Entity's responsibility:

- a) responsible for installation of the metering equipment at a location which is easily accessible, and the operation, maintenance, inspection, calibration, checking and replacement or removal of the metering equipment;
- b) to publish specifications of the metering equipment for public knowledge;
- c) to raise bill for supply of natural gas as per the terms and conditions of the contract, indicating the network tariff for common infrastructure and for the last mile connectivity, if applicable. The bill should also contain customer name and address, serial number, volume (in MMBTU), price (in Rs./ MMBTU), taxes/ levies, amount, due date, etc;

- d) to raise bill for supply of CNG on the entity for dispensing by the latter by separately indicating the network tariff and compression charge for CNG. The bill should also contain customer name and address, serial number, volume (in Kilogram), price, taxes or levies, amount, due date, etc. The dispensing equipment should be capable of converting heat value in to Kg.;
- e) to publicize any price changes or change in metering related activities;
- f) to ensure correct billing;
- g) to ensure authorized representatives with proper identification visit the customer's unit or premises for meter reading on pre-specified days.

(2) Customer's responsibility:

- a) to report about any burnt or damaged meter, piping, equipment or facility or non-reading of meter to the entity immediately;
- b) to allow access to the metering unit on meter reading days or during the installation or maintenance or repairs to the equipment and facilities provided by the entity;
- c) to ensure payment of dues within specified time.

4. Disconnection of supply.

(1) Entity's responsibility:

- a) give proper notice explaining in detail the reason before disconnection;
- b) ensure immediate disconnection, if proving hazardous to public safety;

5. Network interruptions.

(1) Entity's responsibility:

- a) give due notice to customers for planned maintenance;
- b) ensure the earliest possible network resumption after interruption; and
- c) ensure prompt recovery from unplanned network interruptions;

(2) Customer's responsibility:

- a) inform the entity at the earliest regarding any leakages, broken pipes, etc.;

6. Emergency response handling.

(1) Entity's responsibility:

- a) to ensure in-position of the emergency response plan to –
 - i) handle emergencies in co-ordination with the police, fire department, local administration and hospitals;
 - ii) ensure 24 X 7 manning of emergency cell for handling emergencies;

iii) put-in place a clear responsibility chart depicting roles for individuals in the times of emergency.

b) ensure availability of disaster management plan, a copy of which should be made available to the Board as well as the local administration.

(2) Customer's responsibility:

a) inform the entity of any potentially hazardous situation at the earliest;

b) help the entity's personnel to contain the emergency situation, if required.

7. Information disclosure and customer awareness.

(1) Entity's responsibility:

a) to provide on request information about the route of pipeline, pipeline capacities and specifications, like, pressure, calorific value of natural gas, etc.;

b) to educate the customers through customer awareness campaigns on-

i) appropriateness of burner configuration of the appliance in getting best results from usage of natural gas;

ii) approved make of CNG kit and storage cylinder, list of authorized agencies for installing CNG kit and storage cylinder, safety procedures, proper upkeep and maintenance, regular hydro-testing of cylinders as per Petroleum Explosive Safety Organization (PESO) norms, etc.

8. Customer handling.

(1) Entity's responsibility:

a) to advertise toll-free emergency contact numbers and customer care numbers with facility to automatically upgrade the unsettled Customer grievances or complaints to the appropriate supervisory level;

b) establish a comprehensive customer care system and software to help provide better service to customers. The software should be equipped to handle-

i) Customer complaints;

ii) Customer requests;

iii) Docket number to customers;

iv) Tracking the progress of request or complaint.

c) to set-up bill acceptance centers.

9. Maintain database.

Entity's responsibility:

to maintain a credible database management system to handle the data requirements of the

Board and also the record of customer complaints received and action taken on the same.

10. Other.

The entity shall continuously endeavour to facilitate increased availability of CNG kits by coordinating with reputed original equipment manufacturers besides also to liaise with the Government or other development agencies to facilitate setting-up of approved workshops for fitting of CNG kits and periodical testing and certification of the CNG storage cylinders in the authorized area so as to facilitate-

- a) reduction in cost of CNG Kit and the installation cost of the kit and the storage cylinders;
- b) customer satisfaction;
- c) serviceability of the CNG kit and storage cylinder.

Schedule G
[see regulation 16 (1) (d)]

Procedure for the termination of grant of authorization of CGD network

The procedure for implementing the termination of the authorization of the entity to lay, build, operate or expand a CGD network following default by the entity as per the provisions of regulation 16 of the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008, is as under:

1. On approval of termination of the authorization by the Board, the entity shall be required to submit a detailed statement of the ongoing activities in the CGD network, investments, liabilities and such other information as may be directed by the Board within a period of thirty days from the date of receipt of notice of termination by the entity;
2. The authorized entity shall be required to continue the operations of the CGD network at the same level till such time another agency or entity, as per the decision of the Board, takes over the full control of the CGD network. The Board reserves the right to appoint any other entity or agency to manage and operate the CGD network till such period of time and on such terms and conditions, as it may deem fit;
3. The Board may, in any manner as it deems fit including through an issue of an advertisement, invite expression of interest or bids from entities interested in taking over the management and operation of the CGD network;
4. On receipt of expression of interest or bids, as the case may be, the Board may take an appropriate view on the procedure for evaluation and subsequent grant of authorization and an entity shall be selected to take over the operations of the CGD network from the defaulting entity;
5. The defaulting entity shall have to provide an undertaking to indemnify the newly authorized entity for any liability which may arise later as a result of its past actions;

Schedule H

[see regulation 17 (1)]

Information to be provided for CGD network authorized by Central Government before the appointed day

To,
The Secretary,
Petroleum and Natural Gas Regulatory Board, Ist
Floor, World Trade Centre
Babar Lane, Connaught Place,
New Delhi – 110 001.

Sub:Information in respect of CGD network in the city or area of _____ in the State or the Union Territory of _____

(Attach separate sheets for providing information wherever necessary)

Part-I – General details of the entity and technical details of the project		
1	Details of the entity	
A	Name of the entity	
B	Type of firm – Public limited company / Private limited company / Partnership firm / Proprietorship firm / Others (please specify attaching the copy of the articles of association, partnership deed, etc. as the case maybe.	
B	Date of incorporation and date of commencement of business.	
C	Address of registered office.	
D	Name, addresses, telephone numbers, e-mail ID of all directors / partners / proprietor (please provide full details with STD Code and Pin Code).	
E	Full particulars of the authorization granted by the Central Government for laying, building, operating or expanding the CGD network before the appointed day. Details of NOCs', clearances, etc. considered relevant by the entity to be provided. (copies of the authorization and other documents to be enclosed).	

2	Financial Details	
A	Share capital / Proprietor's own funds	
B	Loans – amount, tenure, moratorium period, rate of interest, taken from and asset mortgaged or hypothecated for securing the same, if any.	
C	Reserves, if any	
D	Fixed Assets	
E	Current Assets	
F	Current Liabilities	
G	Sales Turnover	
H	Profit After Tax	
	(Attach copies of audited Profit and Loss Account and Balance Sheet for the last three financial years) - In case the entity is a subsidiary company, copies of the audited Profit and Loss Account and ,Balance Sheet for the last three financial years of the parent company to be attached	
3	Business activities of the entity	
A	Original cost and WDV of assets along with year of commissioning, detailed break-up of the operating costs, unit network tariff customer- category wise, average unit compression charge for CNG, average unit transportation cost of cascade mounted CNG systems and retail selling price charged from each category of customers during the last three years, etc.	
B	Details of technical or operational tie- up or collaboration with any other entity for laying, building, operating or expanding of CGD network	
C	Details of other business, if any, being carried out by the promoters for the last three years	
4	Ownership and affiliate details	
A	Details of promoters	
B	Details of affiliates of the entity mentioning the business relationship (“Affiliate” means as defined in the relevant regulations for affiliate code of conduct).	

C	The entity undertakes to produce all relevant records and documents of itself and its related entities on demand by the Board.	Yes / No
D	Is the entity a company registered under Companies Act, 1956?	Yes / No
E	Is the entity promoted by company registered under Companies Act, 1956?	Yes / No
F	The entity undertakes to become a company, in case it is not a company at the time of providing the information herein, under the Companies Act, 1956 on grant of exclusivity under the Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Networks) Regulations, 2008.	Yes / No
5	Technical details of the CGD network	
A	Name of the CGD network	
B	Wards in the municipalities and charge area identified by the entity for the CGD network along with a physical map indicating all the existing and proposed facilities	
C	Technical specifications of the existing infrastructure in the CGD network, comparison with projections in the DFR and reasons for variation. (Attach copy of the feasibility report and provide full details regarding pipelines design pressure, diameter, thickness, class, etc., area of the CGD network, route, pipeline corrosion protection arrangements, city gate stations, main block valves, isolation valves, emergency shutdown valves, odourization facilities, metering arrangements, CNG infrastructure, HSE measures, etc.	
D	Development plan envisaged for the project - design & installed capacity of the CGD network along with details of phased-out capital expenditure plans including the time- lines and the projected dates of commencement of operations phase- wise. Complete details of the activities and targets associated with the completion of the Project to be enclosed.	

E	<p>Year-wise growth achieved in physical infrastructure alongwith value till the appointed day. Details of number, length and type of pipelines laid and number and type of connections provided to customers and CNG infrastructure in terms of online compression capacity and number and dispensing facilities along with allied infrastructure in existence to be provided.</p>	
F	<p>i) Volume of natural gas transported in the CGD network and sold (Customer category-wise including CNG) during the period till the appointed day.</p> <p>ii) Reasons for variations in actual volumes transported and sold versus the projections in the DFR.</p> <p>iii) Volume of natural gas proposed to be transported and sold on an annual basis during the rest of the economic life of the project for each category of customer.</p> <p>Also, give details of customer tie-up, if any.</p> <p>Volumes to be indicated in SCM (or in Kg in case of CNG). The conversion factors for conversion of volume or weight of natural gas or CNG into MMBTU to be provided.</p>	
G	<p>Number of customers connected by PNG category-wise and year-wise and reasons for variation with the projections in the DFR</p>	
H	<p>Sources of supply of natural gas and capacity tie-up with the entity owning and operating natural gas pipeline including existing or any proposed connectivity. Details of the natural gas source tie-up to be provided phase- wise. Please enclose copies of the gas purchase-sale agreement or Memorandum of understanding or Heads of Agreement, as the case maybe.</p>	
I	<p>Demand assessment over the economic life of project – estimated yearly demand for each category of customers.</p>	

J	Time schedule for phase-wise completion of the project from the date of commencement of operations. (Complete details of all the activities associated with the completion of the project to be provided separately)	
K	Whether the State, in whose jurisdiction the CGD network is located, has enacted any legislation or taken any administrative action to promote the use of natural gas in the said city or area? If the reply to the question is yes, then, provide copy of the said enactment or the administrative order.	Yes / No
L	Are all applicable technical standards, specifications including safety standards under the relevant regulations for technical standards and specifications, including safety standards been considered and complied with while designing, laying, building, expanding or operating the CGD network? Provide details.	
M	Attach copy of the Disaster Management Plan in place.	
N	Is the project entitled to any subsidy or entitled for any exemption or deferment or waiver of any statutory levy from the Central or the State Governments? If yes, give complete details indicating the year-wise utilization plan of the entity.	Yes / No
O	Has the entity availed any period of exclusivity for laying, building, operating or expanding the CGD network till the appointed day?	
P	Details of approved capital expenditure plans? What is the percentage of year-wise actual capital expenditure during the last three years to the projected capital expenditure in the DFR and reasons for variation, if any? (The data is required to be provided for last three financial years and for the period till the appointed day)	
Part-II: Any other submission considered as relevant by the entity		
Part-III: Detailed justifications for seeking exclusivity for laying, building, operation or expansion of CGD network under the Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Networks) Regulations, 2008. (see note below)		

A	Justification for seeking exclusivity in laying, building or expansion of the CGD network. Please indicate the period of exclusivity sought. Data, analysis and documents in support of the argument may be provided as attachments.	
B	Justification for seeking exclusivity in terms of seeking exemption from the purview of common carrier ¹ [or] contract carrier. Please indicate the period for which the exemption is sought.	-do-
<p>Note:</p> <ol style="list-style-type: none"> 1) In case the entity applies for exclusivity under the Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Networks) Regulations, 2008 and the Board grants the exclusivity, the targets to be achieved by the entity shall be as fixed by the Board in terms of the clause (b) of sub-regulation (1) of regulation 8 under the Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Networks) Regulations, 2008; and 2) The Board shall monitor the actual progress against the targets fixed for the entity, on a quarterly basis, and take further action in case of any deviation or shortfall determined on an annual basis in the manner as indicated in Schedule E. 		

DECLARATION

1. Certified that the above information is true to the best of my / our knowledge and belief and the information and data given in the Annexure and statements are correct, complete and truly stated, and if any statement made herein is found to be incorrect, I / We shall be liable for proceeding and for punishment under the provisions of the Act.
2. I/ we also undertake to provide any further information or data as may be required by the Board within the stipulated time.

Date:

Place:

Name and Signature of Authorized Signatory

Official Seal

¹ Subs. by reg. 7, for 'and' in point B of Part-III of Schedule H, *ibid.* (w.e.f. 19.11.2008).

Instructions for providing information:

1. All entries in the form and annexed documents should be legible with no cuttings.
2. Details requiring separate statement shall be provided giving clear reference of the point against which the same is being attached.
3. All pages of the information format and all annexure, statements, etc need to be serially numbered and initialed by the person or official authorized by the applying entity through a notarized Power of Attorney.
4. Any information or data filled in the information format needs to be substantiated by attaching relevant proof of the same.
5. The information format is required to be submitted in five copies with all the enclosures in addition to the original.
6. Incomplete information format is liable to be summarily rejected.

Schedule I
[see regulation 18 (1)]

Application for grant of authorization for CGD network to entities not authorized by
Central Government

To,
The Secretary,
Petroleum and Natural Gas Regulatory Board,
1st Floor, World Trade Centre
Babar Lane, Connaught Place,
New Delhi – 110 001.

Sub: Application for grant of authorization for City or Local Natural Gas Distribution project
in the city of _____ in the State or the Union Territory of

(Attach separate sheets for providing information wherever necessary)

General details of the entity and technical details of the project		
1	Details of the entity	
A	Name of the Entity	
B	Type of firm – Public limited company / Private limited company / Partnership firm / Proprietorship firm / Others attaching the copy of articles of association, Partnership deed, etc. if any.	
C	Date of incorporation and date of commencement of business.	
D	Address of registered office.	
E	Names, addresses, telephone numbers, e-mail ID of all directors / partners / proprietor (please provide full details with STD Code and Pin Code).	
2	Information/ data to be provided by the entity in support of the eligibility criteria as specified under sub-regulation (2) of regulation 18.	
A	Non-refundable application fee under regulation 5 (6)(a)	Rs. <_____>
	Demand draft or pay order	
	Demand draft or pay order no. & date	
	Name of issuing bank and branch	
B	Entity is technically capable of laying and building CGD Network	

	Documentary evidence in support of the technical capability of the entity in terms of the qualifying criteria under regulation 5 (6) (b) (i) to (iv) to be attached.	
C	Entity is technically capable of operating and maintaining a CGD Network.	
	Documentary evidence in support of the technical capability of the entity in terms of the qualifying criteria under regulation 5 (6) (c) (i) to (iv) to be attached.	
D	Entity agrees to abide by the relevant regulations for technical standards and specifications, including safety standards.	Yes/ No
E	Entity has adequate financial strength to execute the proposed CGD project, operate and maintain the same in the authorized area and meets the financial criterion in terms of having a minimum combined net worth as specified under regulation 5 (6) (e). Note: All documents in support of the calculations of the minimum combined net worth duly certified by a Chartered Accountant to be attached.	
F	Has any penalty been imposed on the entity under section 28 or punished under Chapter IX of the Act? In case the answer is yes, please submit full details.	Yes/ No
G	Copies of all the necessary statutory clearances, permissions and no objection certificates obtained by the entity from the Central and State Governments and other statutory authorities as applicable for the proposed CGD project to be attached.	

H	<p>In case entity is not registered as a company under the Companies Act, 1956, the entity undertakes to become a company registered under the Companies Act, 1956 on grant of authorization. Full details of the promoters of the entity to be provided.</p> <p>Note:</p> <p>In case the entity seeks an exemption from registering under the Companies Act, 1956, detailed justifications shall be submitted to the Board.</p>	Yes/ No
I	Details on Financial and Physical progress	
	<p>i) Copy of the approved DFR of the project to be attached.</p> <p>Note:</p> <p>The entity shall also enclose the documentary proof of the formal approval of the DFR of the project by</p>	
	<p>ii) Has the DFR of the proposed CGD project for which authorization is being sought been appraised by any financial institution?</p>	Yes/ No
	<p>iii) Does the DFR of the proposed CGD project specify the geographical area proposed to be covered? In case the answer is yes, please specify the size of the geographic area proposed and also enclose the map depicting the same.</p>	Yes/ No
	<p>iv) Details in the DFR in terms of year wise coverage of PNG domestic connections and CNG compression facilities</p>	

	<p>v) Extent of physical progress in laying and building the proposed CGD network achieved by the entity till the day immediately before the appointed day as against the total physical activities proposed in the DFR.</p> <p>Note:</p> <p>The onus of proving the physical progress actually made by the entity lies with the entity and the entity shall submit all necessary documentary proofs in support.</p>	<in percentage terms>
	<p>vi) Extent of financial commitment actually made by the entity in the proposed CGD network till the day immediately before the appointed day as against the estimated capital expenditure identified in the DFR.</p> <p>Note:</p> <p>The onus of proving the financial commitment actually made by the entity lies with the entity and the entity shall submit all necessary documentary proofs in support.</p>	<in percentage terms>
J	Arrangements for erecting the CGS	
	i) Has the entity arranged the land by way of acquisition or lease for erecting the proposed CGS? If yes, please submit the documentary proof.	Yes/ No
	ii) Whether the necessary equipment for erecting the CGS already procured? If yes, please submit documentary proofs.	Yes/ No
K	Entity shall enclose the copies of the internal procedures and guidelines as approved by its management prescribing the basis of compliance by the entity to any technical standards, specifications, including safety standards and the quality of service to customers, if any.	
L	Entity shall enclose copies of the agreement in support of having made firm arrangements for supply of natural gas to meet the demand in the proposed CGD network.	

M	Any other information or data including any documentary proof considered relevant by the entity for consideration of the Board or as may be specified by the Board shall also be provided.	
3	Financial details	
A	Share capital / Proprietor's own funds	
B	Loans – amount, tenure, moratorium period, rate of interest, taken from and asset mortgaged or hypothecated for securing the same, if any.	
C	Reserves, if any	
D	Fixed Assets	
E	Current Assets	
F	Current Liabilities	
G	Sales Turnover	
H	Profit after Tax	
	(Attach copies of audited Profit & Loss Account and Balance Sheet for last three financial years) – In case entity is a subsidiary company, copies of audited Profit and Loss Account and Balance Sheet for last three financial years of the parent company to be attached.	
4	Business Activities of the entity	
A	Original cost and WDV of assets along with year of commissioning, detailed break-up of the operating costs, unit network tariff customer category wise, average unit compression charge for CNG, average unit transportation cost of cascade mounted CNG systems and retail selling price charged from each category of customers during the last three years, etc.	
B	Details of other business, if any, being carried out by the promoters for the last three years.	
5	Ownership and affiliate details	
A	Details of promoters	
B	Details of all affiliates of the entity mentioning the business relationship between the entity and “Affiliate” means as defined in the relevant regulations for affiliate code of conduct.	

C	The entity undertakes to produce all relevant records and documents of itself and its related entities on demand by the Board.	Yes / No
D	The entity undertakes to abide by the relevant regulations for affiliate code of conduct.	Yes / No
6	Technical details of the CGD Network	
A	Name of the CGD network	
B	Wards in the municipalities and charge area identified by the entity for the CGD network alongwith a physical map indicating all the existing and proposed facilities.	
C	<p>Technical specifications of the existing infrastructure and a comparison with that projected in the DFR and reasons for variation, if any.</p> <p>Indicate full details regarding the pipelines design pressure, diameter, thickness, class, etc., area of the CGD network, route details, pipeline corrosion protection arrangements, city gate stations, main block valves, isolation valves, emergency shutdown valves, odourization facilities, metering arrangements, CNG stations, HSE measures, etc.</p>	
D	Development Plan envisaged for the project - design and installed capacity of the CGD network along with details of phased-out capital expenditure plans including the time-lines and the projected dates of commencement of operations phase-wise. Complete details of the activities and targets associated with the completion of the project to be enclosed.	
E	Year-wise growth achieved in physical infrastructure along with value. Details of number, length and type of pipelines laid and number of connections customer over their types and CNG infrastructure in terms of online compression capacity and number of dispensing facilities along with allied infrastructure in existence to be provided. Gross and Net block value to be indicated over each asset- head.	

F	<p>i) Volume of natural gas transported in the CGD network and sold customer category-wise, including CNG during last year-years till the appointed day.</p> <p>ii) Reasons for variations in actual volumes transported and sold versus the projections in the DFR.</p> <p>iii) Volume of natural gas proposed to be transported and sold on an annual basis during the rest of the economic life of the project for each category of customer.</p> <p>Also, give details of customer tie-up, if any.</p> <p>Volumes to be indicated in MMBTU and also in SCM for PNG and in Kg for CNG. The conversion factors for conversion of volume or weight of natural gas or CNG into MMBTU to be provided.</p>	
G	<p>Number of customers provided with PNG connection category-wise and year-wise and reasons for variation with the projections in the DFR, if any.</p>	
H	<p>Capacity tie-up with the entity owning and operating natural gas pipeline including existing and proposed connectivity.</p>	
I	<p>Demand assessment over the economic life of the project – estimated yearly demand for each category of customer.</p>	
J	<p>Time schedule for phase wise completion of the project from the date of commencement of operations.</p> <p>Complete details of all the activities associated with the completion of the project to be provided separately.</p>	
K	<p>Whether the State, in whose jurisdiction the CGD network is located, has enacted any legislation or taken any administrative action to promote the use of natural gas in the said city? If the reply to the question is yes, then provide copy of the said enactment or the administrative order.</p>	Yes / No

L	Whether applicable technical standards, specifications including safety standards under the relevant regulations for technical standards and specifications, including safety standards been considered and complied with while designing, laying, building, operating and expanding the CGD network? Provide details.	
M	Copy of Disaster Management Plan to be attached.	
N	Is the project entitled to any subsidy, tax waiver or exemption or deferment from the Central or State Government?	Yes / No
	If yes, give details.	
O	Has the entity availed any period of exclusivity for laying, build, operate or expand the existing CGD network?	
P	Details of approved capital expenditure plans? What is the percentage of year- wise actual capital expenditure to the projected capital expenditure in the DFR during the last three years and reasons for variation, if any?	
Part-II: Any other submission considered as relevant by the entity with regards to the application for grant of authorization for CGD network by the Board		
Part-III: Detailed justifications for seeking exclusivity for laying, building, operation or expansion of CGD network under the Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Networks) Regulations, 2008. (see note below)		
A	Justification for seeking exclusivity in laying, building or expansion of the CGD network. Please indicate the period of exclusivity sought.	Data, analysis and documents in support may be provided
B	Justification for seeking exclusivity in terms of seeking exemption from the purview of common carrier and contract carrier. Please indicate the period for which the exemption is sought.	-do-

Note:

- 1) In case the entity applies for exclusivity under the Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Networks) Regulations, 2008 and the Board grants the exclusivity, the targets to be achieved by the entity shall be as fixed by the Board in terms of the clause (b) of sub-regulation (1) of regulation 8 under the Petroleum and Natural Gas Regulatory Board (Exclusivity for City or Local Natural Gas Distribution Networks) Regulations, 2008; and
- 2) The Board shall monitor the actual progress against the targets fixed for the entity, on a quarterly basis, and take further action in case of any deviation or shortfall determined on an annual basis in the manner as indicated in Schedule E.

DECLARATION

1. Certified that the above information is true to the best of my / our knowledge and belief and the information given as Annexure and statements accompanying this application are correct, complete and truly stated, and if any statement made herein is found to be incorrect, the application shall be rejected, the application fee shall be forfeited and I / We shall be liable for proceeding and for punishment under the provisions of the Act.
2. I / We also undertake to furnish a Performance Bond, which may be prescribed by the Board.
3. I / We certify that this is the only application submitted and no other application has been or is being separately submitted for this city or geographic area.

Date :

Place :

Name and Signature of entity or authorized signatory

Official seal

Instructions for filling the Application form:

1. All entries in the form and annexed documents should be legible with no cuttings.
2. Details requiring separate statement may be provided giving clear reference of the point against which the same is being attached.
3. All pages of the application form and all annexure, statements, etc need to be initialed by the person or official authorized by the applying entity through a notarized Power of

Attorney.

4. Any information and data filled in the application form needs to be substantiated by attaching relevant proof of the same.
5. The entity is required to submit five copies of the application with all the enclosures in addition to the original.
6. Incomplete application is liable to be summarily rejected.

Schedule J

[see clause 13 (c) of the form of grant of authorization in Schedule D]

Service Obligations of an Entity

1. General.

- a) The entity shall obtain all statutory permits, clearances and approvals from the concerned approving authorities and shall at all times ensure the validity of said permits, clearances and approvals.
- b) During the continuance of the authorization, the entity shall supply natural gas to the city and its inhabitants in accordance with the terms of this authorization, charge the approved tariff, not change the domestic PNG price for the end customers by more than once in a quarter and abide by the extant rules and regulations, including such revisions as the case may be.
- c) The entity shall enter into a firm agreement for delivery of natural gas till the city gate station for such quantity and period of time, as shall be necessary for ensuring an uninterrupted supply in the CGD network.
- d) The entity shall put in place appropriate systems and procedures for-
 - i) protection of its property;
 - ii) prevention of loss and waste in the operation of the network;
 - iii) safe operation of network following the technical standards and specifications including safety standards as notified by the Board;
 - iv) addition of odorant to natural gas as a safety requirement;
 - v) undertaking periodic safety awareness campaigns;
 - vi) sale and distribution of natural gas;
 - vii) redressal of Customer grievances;
 - viii) specifying obligations of customers and distributors; and
 - ix) extension of the CGD network.

A documented copy of the said systems & procedures shall be provided by the authorized entity to the Board and shall widely publish the same in the interest of general public. Modifications, if any, suggested by the Board shall be carried out by the entity.

- e) The entity selling natural gas to a customer shall:
 - i) provide all relevant information with regards to the delivered price of natural gas including the tariff to be paid for using the CGD network and other relevant terms proposed in the contract;
 - ii) not exert any undue pressure on the customer for shifting to natural gas usage;
 - iii) not make any offer for supply of natural gas conditional on the Customer availing any non-regulated service; and
 - iv) not make any representation or statement or give any answer or take any measure that is false or is likely to mislead a customer.

- f) The entity shall enter into contract with its proposed customers with appropriate clauses to ensure compliance to the obligations specified in clause 1d) as well as with respect to the following:-
 - i) the time period for the validity of the contract; and
 - ii) frequency of billing or smart-card based pre-paid gas supply system.
- g) The entity shall insure all the assets used in the business of city gas distribution and the insurance policy, in this regard, shall also cover third party liabilities.

2. Construction, operation and maintenance.

- a) The entity shall not undertake any excavation or related work which shall disturb or interfere with the surface of the traveled portion of any road or highway unless a permit for the same has been first obtained from the approving agencies of the city or local administration and all works subsequently undertaken by the entity up to and including the restoration work shall be carried out to the satisfaction of the city or local administration.
- b) The entity shall not deviate from the permission granted in clause 2 a) without the prior approval of the approving agencies of the city or local administration.
- c) The entity shall, in the construction, maintenance and operation of the city or local natural gas distribution system, use all reasonable precaution to avoid damage or injury to any person or property. The entity shall further be liable for any loss, injury or damage attributed to the negligence of the entity or its agents and also indemnifies the affected parties.
- d) The entity shall establish a centralized control room for monitoring and control of the CGD network and be responsible for operationalizing the disaster management system.
- e) The entity shall put in place a supply chain management system including natural gas accounting system.
- f) The entity shall furnish on regular basis to the city or local administration, the map including detailed “as built” drawings, accurately depicting the size, depth and location of pipelines, related equipment, location of marker posts indicating the route, pipeline gradient, etc. of the CGD network and regularly update the same for any change, addition or deletion.
- g) The entity shall ensure that main pipeline, service pipelines and all other associated equipment are installed in such a manner so as not to obstruct or interfere with the use of a public or private drain, sewer, water pipe, or other public utility already installed including street, alley, avenue, road and other public place in the city and take requisite permissions from the authorities concerned.
- h) In the event of the city proposing to construct, change or repair any water main, sewer, pipe, drain or other public improvement or change the status of any of its street, alley, road or public ground which is being used by the entity for its main pipeline or related equipment, then, the entity shall be under an obligation to raise, lower or relocate its facilities at its own expense.

- i) The entity shall ensure compliance of all necessary quality checks and inspection certification before providing connectivity to any gas delivery system.
- j) The entity shall properly purge, isolate, blind or dismantle any gas pipeline segment, equipment etc, which is not in use for long time or has been abandoned, so as to ensure complete safety and necessary modifications shall be carried out in the maps and drawings.
- k) The entity shall have proper systems and procedures including designated facilities for the purpose of undertaking inspection, testing, calibration and repair of meters and equipments etc.
- l) Any other service obligation, which the Board shall specify in consultation with city or local Administration.
- m) Put in position the disaster management plan including mutual aid system and offsite or onsite emergency plan.

3. Services and database to be maintained by the entity.

- a) The entity shall have a current mailing address and telephone numbers of its offices in the authorized area where the city gas distribution network is being set-up and operated.
- b) The entity shall maintain a database and provide to the Board on request details of:
 - i) the customers;
 - ii) the contracts with the customers;
 - iii) contract renewal or extension;
 - iv) vehicles converted into CNG along with identification details of CNG kit and cylinder installed in the vehicle.

4. Confidentiality of customer Information.

- a) The entity shall not disclose Customer information to any person other than the Board without the consent of the Customer in writing except when the information has been sufficiently aggregated such that an individual customer's information cannot be separately identified or where the customer information is required to be disclosed:
 - i) for billing or market operation purposes;
 - ii) for law enforcement purposes; and
 - iii) when past due accounts of the customer have been transferred to a debt collection agency.
- b) The entity shall inform customers regarding the conditions described in clause 4 a) under which customer information may be released to a third party without the customer's consent.

- c) The entity shall not use customer information obtained for a purpose other than for which it was obtained.

5. Complaints.

- a) The entity shall provide the addresses and telephone number of its customer service centre for lodging of any complaint and widely advertise the same from time to time.
- b) The entity shall make all reasonable efforts in resolving the complaints received in a time bound manner.
- c) The entity shall maintain an automated system of registering complaints received, details of the actions taken on the same and provide on a monthly basis, to the Board, the details of:
 - i) complaint received by the entity or referred to by the Board;
 - ii) method and time of disposal of complaint;
 - iii) complaint pending for redressal; and
 - iv) comment on the quality of service provided by the entity and suggestions, if any.

[F. No. S-Admn/II/8/2007-Vol.I]
AJAY TYAGI, Secy.

Foot Note. – Principal regulations were notified *vide* No. G.S.R. 196(E) dated 19th March, 2008 and subsequently amended *vide* G.S.R. 800 (E) dated 19th November, 2008.