

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, PART III, SECTION 4,
EXTRAORDINARY]

NOTIFICATION

THE PETROLEUM AND NATURAL GAS REGULATORY BOARD

New Delhi, the 2015

F. No. PNGRB/CGD/Amendment/ 2015/2-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) Amendment Regulations, 2015.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Networks) Regulations, 2008,-

(a) in regulation 5, in sub-regulation (6), for clause (i), the following shall be substituted, namely:-

“(i) entity submitting the bid should not have been imposed any penalty under section 28 or punished under Chapter IX of the Act during the period of preceding one year from the last date for submission of the bid”;

(b) in regulation 7, in sub-regulation (3), for the words “In case of a tie in the highest composite score between the bidding entities, such entities shall be asked to submit additional bid bond for an amount to be decided by the respective entity and the entity that submits bid bond for higher amount shall be declared as successful bidder”, the words “In case of a tie in the highest composite score between the bidding entities, the entity which has quoted the highest additional bid bond in the bid submitted shall be declared as successful bidder. The entity on being declared successful, through a written communication, shall submit the quoted additional bid bond within 21 working days from the issuance of the said communication, failing which the entire bid bond submitted by the entity shall be encashed or forfeited and in such a case, an opportunity to submit the additional bid bond shall be offered to the entity whose quote for the additional bid bond was next highest and such an entity shall submit the quoted

additional bid bond, within 21 working days of such intimation in writing from the Board, failing which the entire bid bond submitted by that entity shall be encashed or forfeited. The above process shall be repeated till additional bid bond is either received or no entity in a tie is left out:

Provided that in such a case where an entity does not submit the additional bid bond upon receiving intimation to do so from the Board such entity shall be considered at default and shall be barred for a minimum period of three years from bidding.” shall be substituted;

(c) in regulation 10,-

(i) in sub-regulation (1), the following provisos shall be added, namely:-

“Provided that the Board may extend the date for submission of Performance Bond for a period not exceeding 15 working days failing which LOI shall deemed to be withdrawn or cancelled:

Provided further that in case of non submission of Performance Bond within the stipulated time the bid bond (including additional bid bond) shall be forfeited or encashed and such entity shall be considered at default and shall be barred for a minimum period of three years from bidding. Further, the process of issuance of LOI and grant of authorization to the next qualified entity at the stage of tie shall be carried out in the same manner as prescribed in sub-regulation (3) of regulation 7:

Provided also that, in case of single bid remaining at this stage, the entire bidding process for the said geographical area shall be annulled and the defaulting entity shall be barred for a minimum period of three year from bidding.”;

(ii) in sub-regulation (3), the following provisos shall be added, namely:-

“Provided that the entity may induct eligible new partner as long as it remains a lead partner without impacting the eligibility criteria as provided in the regulations:

Provided further that, for the purpose of remaining to be a lead partner, the entity shall have equity of more than fifty per cent. after inducting the new partner.”;

(iii) in sub-regulation (4), for the words “three years period”, the words “five years or till achievement of Minimum Work Programme, whichever is earlier” shall be substituted;

(d) in regulation 14, in sub-regulation (7), clause (a) shall be omitted and clause (b) and clause (c) shall be renumbered as clause (a) and clause (b) respectively;

- (e) regulation 19 shall be re-numbered as regulation 20 and before regulation 20 as so re-numbered, the following shall be inserted, namely:-

“19. Power to remove difficulties –

If any difficulty arises in giving effect to any of the provisions of these regulations, the Board may, by general or special order, do anything not being inconsistent with the provisions of the Act, which appears to it to be necessary or expedient for the purpose or removing difficulties.”;

- (f) In clause 3(G) of Schedule C, for the words “Promoters undertaking in the form of letter of comfort stating that their financial contribution in the project shall be converted into equity share capital within three months of the date of grant of authorization. Enclose the letter of comfort from the promoters.”, the words “Promoters undertaking in the form of letter of comfort stating that promoter’s contribution in the project shall be infused in a phased manner as per the project financing schedule as per the format given in the application cum bid document.” shall be substituted.

Upamanyu Chatterjee
Secretary

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, G.S.R. 295 (E) dated 30th April, 2009, G.S.R. 478(E) dated 7th June, 2010, G.S.R. 605 (E) dated 19th July, 2010, F.No. PNGRB/CGD/REGULATIONS/REVIEW-2011/2012-III dated 21st June, 2013, F. No. PNGRB/CGD/BID/4/2013-PRE BID dated 7th April, 2014, F.No. L-MISC/VI/I/2007 dated 1st January, 2015 and F.No. PNGRB/CGD/Regulations/Amend/2015 dated 13th February 2015.