

**OIL AND NATURAL GAS COMMISSION (TRANSFER OF
UNDERTAKING AND REPEAL) ACT, 1993.**

65 of 1993

[4th September, 1993]

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STATEMENT OF OBJECTS AND REASONS The Central Government had appointed a Committee on January 24, 1992 headed by Shri P.K. Kaul, IAS (Retd.) to examine all aspects of the Oil and Natural Gas Commission's existing organisation with a view to examine the need for its restructuring. The Committee submitted its First Report on September 10, 1992 and its Final Report on November 15, 1992. The recommendations of this Committee were considered by the Government. Based on recommendations of his Committee, the Government had, inter alia, approved on February 1, 1993 the proposal for conversion of Oil and Natural Gas Commission (ONGC) into a Public Limited Company under the Companies Act, 1956. This would enable ONGC to function more efficiently and give it greater flexibility in raising resources from the capital market and easier

structural adjustments in response to needs. This would eventually enable the Company to perform better to meet its production targets. 2. As Parliament was not in session and immediate action was necessary, the Oil and Natural Gas Commission (Transfer of Undertaking and Repeal) Ordinance, 1993 (Ord. 28 of 1993) was promulgated by the President on July 2, 1993 for providing for the transfer and vesting of the assets, liabilities obligations and employees of the Commission to the Oil and Natural Gas Corporation Limited, a Company registered under the Companies Act, 1956, and for matter connected therewith or incidental thereto and also to repeal the Oil and Natural Gas Commission Act, 1959 The Ordinance empowers the Central Government to issue a notification appointing a date from which the assets, undertaking, liabilities and the offence and staff of the Commission shall stand transferred to and vest in the new Corporation, 3. The Bill seeks to replace the aforesaid Ordinance into an Act of Parliament. -Gaz. of Ind., 30-7-93, Pt. II, S. 9, Ext, p. 8 (No. 35).

1. Short title and commencement :-

(1) This Act may be called the Oil and Natural Gas Commission (Transfer of Undertaking and Repeal) Act, 1993.

(2) It shall be deemed to have come into force on the 2nd day of July, 1993.

2. Definitions :-

In this Act. unless the context otherwise requires,-

(b) "Corporation" means the Oil and Natural Gas Corporation Limited, a company registered under the Companies Act, 1956;

(d) "prescribed" means prescribed by rules made under this Act.

3. Undertaking of Commission to vest in corporation :-

On such date" as the Central Government may, by notification in the Official Gazette, appoint, the undertaking of the Commission shall stand transferred to; and vest in, the Corporation.

4. General effect of vesting of undertaking in Corporation :-

(1) On and from the appointed day, the entire capital of the Commission shall, by virtue of this Act, stand vested in the Corporation.

(3) All contracts, deeds, bonds, guarantees, powers of attorney,

other instruments and working arrangements subsisting immediately before the appointed day and affecting the Commission shall cease to have effect or to be enforceable against the Commission and shall be of as full force and effect against or in favour of the Corporation and enforceable as fully, and effectually as if, instead of the Commission, the Corporation had been named therein or had been a party thereto.

(4) Any proceeding or cause of action pending or existing immediately before the appointed day by or against the Commission, in relation to its undertaking may, as from the appointed day be continued and enforced by or against the Corporation as it might have been enforced by or against the Commission, if this Act had not been in force, and shall cease to be enforceable by or against the Commission.

5. Licences, etc., to be deemed to have been granted Corporation :-

With effect from the appointed day, all licences, leases, concessions permits, quotas, benefits, privileges and exemptions granted to the Commission in connection with the affairs of the Commission under any law for the time being in force shall be deemed to have been granted to the Corporation.

6. Tax exemption or benefit to continue to have effect :-

(1) Where any exemption from or any assessment with respect to, any tax has been granted or made or any benefit by way of set off or carry forward of any unabsorbed depreciation or investment allowance or other allowance or loss has been extended or is available to the Commission under the Income-tax Act, 1961, such exemption assessee or benefit shall continue to have effect in relation to the Corporation.

(2) Where any payment made by the Commission is exempt from deduction of the tax at source under any provision of the Income-tax Act, 1961 the exemption from tax will continue to be available as if the provisions of the said Act made applicable to the Commission were operative in relation to the Corporation.

7. Guarantee to be operative :-

Any guarantee given for or in favour of the Commission with respect to any loan or lease finance or other assistance shall continue to be operative in relation to the Corporation.

8. Provision in respect of officers and other employees of Commission :-

(1) Every officer or other employee of the Commission (except a member or the chairman) serving in its employment immediately before the appointed day shall, in so far as such officer or other employee is employed in connection with the undertaking which has vested in the Corporation by virtue of this Act, become, as from the appointed day, an officer or, as the case may be, other employee of the Corporation and shall hold his office or service therein by the same tenure at the same remuneration, upon the same terms and conditions, with the same obligations and with the same rights and privileges as to leave, passage insurance superannuation scheme, provident fund, other funds retirement pension, gratuity and other benefits as he would have held under the Commission if its undertaking had not vested in the Corporation and shall continue to do so as an officer or other employee of the Corporation or until the expiry of a period of one year from the appointed day if such officer or other employee opts not to be the officer or other employee of the Corporation within such period.

(2) Where an officer or other employee of the Commission opts under sub-section (1) not to be in the employment or service of the Corporation such officer or other employee shall be deemed to have resigned.

(3) Notwithstanding anything contained in the Industrial Disputes Act, 1947 or in any other law for the time being in force, the transfer of the service of any officer or other employee of the Commission to the Corporation shall not entitle such officer or other employee to any compensation under this Act or under any other law for the time being in force and no such claim shall be entertained by any Court, tribunal or other authority.

(4) The officers and other employees who have retired before the appointed day from the service of the Commission and are entitled to any benefits, rights or privileges shall be entitled to receive the same benefits, rights or privileges from the Corporation.

(5) The trusts of the provident fund gratuity fund or the superannuation scheme of the Commission and any other bodies created for the welfare of officers or other employees shall continue to discharge then- functions in the Corporation as was being done hitherto in the Commission and any tax exemption granted to the

provident fund, gratuity fund and the superannuation scheme or any other bodies created for the welfare of officers or other employees shall continue to be applied to the Corporation.

(6) Notwithstanding anything contained in this Act or in the Companies Act, 1956 or in any other law for the time being in force or in the regulations of the Commission, no member or chairman of the Commission shall be entitled to any compensation against the Commission or the Corporation for the loss of office or for the premature termination of any contract of management entered into by him with the Commission.

9. Power of entry :-

(3) The Corporation shall be liable to pay compensation for any loss. or damage caused to the land caused by its officers or employees in performing the functions under sub-section (1) in such manner as may be prescribed to the occupier of the land.

(4) The amount of compensation payable under sub-section (3) shall be determined by the competent authority, appointed by the Central Government in the manner prescribed.

10. Power to make rules :-

(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. .

11. 11 :-

(1) On the appointed day the Oil and Natural Gas Commission Act, 1959 shall stand repealed.

12. Repeal and saving :-

(1) The Oil and Natural Gas Commission (Transfer of Undertaking and Repeal) Ordinance, 1993 is hereby repealed.

(2) Notwithstanding the repeal of the Oil and Natural Gas Commission (Transfer of Undertaking and Repeal) Ordinance, 1993, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act.