

**MOTOR SPIRIT AND HIGH SPEED DIESEL (PREVENTON OF
MALPRACTICES IN SUPPLY AND DISTRIBUTION) ORDER,
1990**

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**MOTOR SPIRIT AND HIGH SPEED DIESEL (PREVENTON OF
MALPRACTICES IN SUPPLY AND DISTRIBUTION) ORDER,
1990**

¹1. Published in the Gazette of India, Extraordinary, Pt.. II, Sec. 3 (i), dated 25th September, 1990. In exercise of the powers conferred by Sec. 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order, namely :

1. Short title, extent and commencement :-

(1) This order may be called the Motor Spirit and High Speed Diesel (Prevention of Malpractices in Supply and Distribution) Order, 1990.

(2) It extends to the whole of India.

(3) It shall come into force on the 1st day of October, 1990, in respect of high speed diesel and on the 1st day of January, 1991,

in respect of motor spirit.

2. Definitions :-

In this order, unless the context otherwise requires,-

(a) "adulteration", means the introduction of any foreign substance into motor spirit high speed diesel illegally unauthorisedly with the result that the product does not conform to the requirements indicated in Sch. I;

(b) "consumer" means a person who purchases products directly from an Oil Company and stores and utilizes the products for his own consumption and shall include his representatives, employees or agents;

(c) "dealer" means a person appointed by an Oil Company to purchase, receive, store and sell motor spirit and high speed diesel oil whether or not in conjunction with any other business, and shall include his representatives, employees or agents ;

(d) "high speed diesel" means any hydrocarbon oil (excluding mineral colza oil and turpentine substitute) which has its flash point at or above 25 Degree Celsius and is suitable for use as fuel in compression ignition engines;

(e) "malpractices" shall include the following acts of omission and commission in respect of motor spirit and high speed diesel:

(i) adulteration,

(ii) pilferage,

(iii) stock variation,

(iv) unauthorised exchange,

(v) unauthorised purchase,

(vi) unauthorised sale.

(f) "motor spirit" means any hydrocarbon oil (excluding crude mineral oil) which has its flash point below 25 Degree Celsius, and which, either by itself or in admixture with any other substance, is suitable for use as fuel in spark ignition engines;

(g) "Oil Company" means any of the following Oil Companies and such other Oil Companies as may be specified by the Central Government, from time to time :

(i) Indian Oil Corporation Limited (including Assam Oil Division):

(ii) Bharat Petroleum Corporation Limited;

(iii) Hindustan Petroleum Corporation Limited ;

(iv) IBP Company Limited ;

(h) "pilferage" means stealing or attempt to steal of product from a container used or transportation of the product or from a receptacle used for the storage of the product and shall include any unauthorised attempt or act of tampering with such container receptacle;

(i) "product" means motor spirit and high speed diesel oil ;

(j) "stock variation" means variation beyond the norms for permissible variation is stocks as given in Sch. II;

(k) "transporter" means a person authorised by an Oil Company, a dealer, or a consumer, to transport motor spirit or high speed diesel oil and shall include his representatives, employees or agents ;

(l) " unauthorised exchange" means transfer or receipt of the product from a dealer or consumer to another dealer or consumer or to any other person in contravention of the directives issued by the State Government or Oil Companies ;

(m) "unauthorised purchase" means purchase of the products from sources other than those authorised by the Oil Companies or sources not authorised by the State Government;

(n) "unauthorised sale" means sale of products by a dealer or consumer to another dealer or consumer or to any other person in contravention of the directives issued for the purpose by the State Government or Oil Companies.

3. Product Supply and Transportation :-

(1) The product from the supply point shall be transported by the transporter in a container or tank truck certified fit by the concerned authorities to carry the product with accurate calibration as certified by the Weights and Measures authority and supported by delivery documents and deliver the same to the storage or dispensing point in the same condition as delivered to him by the originating supply point both in respect of quality and quantity.

(2) The transporter shall ensure that the product is transported

only in containers/tank trucks which are properly sealed by the Oil Company.

4. . :-

The dealer/consumer shall inspect such containers or tank trucks in which he receives the product to ensure,-

(a) that the container or tank truck including the seals are not in any manner tampered with;

(b) that the quantity and quality of the products are as per delivery documents issued by the Oil Companies and the quality of the product conforms to the requirements indicated in Sch. I. For this purpose, the dealer/consumer shall maintain a record of densities as indicated in Sch. I.

5. . :-

The dealer, transporter, consumer or any other person shall not in any manner indulge in any of the malpractice listed in Cl. 2 (e) above.

6. . :-

The delivery of motor sale of spirit and high speed diesel oil shall be made by dealers only from authorised retail pump outlets.

7. Power of search and seizure :-

(1) Any officer of the State Government, not below the rank of an Inspector, in the Department of Food and Civil Supplies, duly authorised and notified in the Official Gazette by such State Government, or any officer of an Oil Company not below the rank of a Sales Officer may, with a view to securing compliance with the provisions of this order, or the purpose of satisfying himself that this order or any order made thereunder has been complied with.

(2) Enter and search any place or premises being made use of or suspected to be made use of in the business of the dealer, transporter, consumer or any other person who is an employee or agent of such dealer, transporter/consumer with respect to which there is reason to believe that the provisions of this order have been are being or are about to be contravened.

(3) Stop and search any person or vehicle or receptacle used or intended to be used for the movement of the product.

(4) Inspect any book of accounts or other documents or any stock

of the products used or suspected to be used in the business of the dealer, transporter, consumer or any other person suspected to be an employee or agent of the dealer, transporter or consumer.

(5) Take samples of the product and/or seize any of the stocks of the product which the officer has reason to believe has been or is being or is about to be used in contravention of this order and hereafter take or authorise the taking of all measures necessary for securing the production of stocks/items so seized before the Collector having jurisdiction under the provisions of the Essential Commodities Act, 1955 (10 of 1955), and for their safe custody pending such production.

(6) While exercising the power of seizure provided under sub-clause (4) the authorised officer shall record in writing the reasons for doing so a copy of which shall be given to the dealer, transporter, consumer or any other concerned person.

(7) The provisions of S.100 Code Of Criminal Procedure, 1973, relating to search and seizure shall, as far as may be, apply to searches and seizures under this order.

8. Sampling of Product :-

(1) The officer authorised in Cl. 7 shall draw the sample from the tank, nozzle, vehicle or receptacle, as the case may be to check whether density of the product conforms to requirements indicated in Sch. I.

(2) The officer authorised in Cl. 7 shall take, sign and seal three samples of 750 ml. 1 litre each of the product, one to be given to the dealer, transporter or concerned person under acknowledgment with instructions to preserve the sample in his safe custody till the testing/investigations are completed, the second sample to be kept by the concerned oil company or department and the third to be used for laboratory analysis.

(3) Samples shall be taken in clean glass or aluminium containers (plastic containers shall not be used for drawing samples).

(4) The sample label should be jointly signed by the officer who has drawn the sample, and the dealer or transporter or concerned person or his representative and the label shall contain information as regards the product, name of retail outlet, quantity of sample, date, name and signature of the officer, name and signature of the

dealer or transporter or concerned person or his representative.

(5) The authorised officer shall send the third sample of the product taken under sub-clause (2) within 10 days to any of the laboratories mentioned in Sch. III appended to this order for analysis with a view to checking whether the density of the product conforms to requirements indicated in Sch. I.

9. Power of Central Government to issue directions :-

The Central Government may, from time to time, by a general or special order issue to any dealer, transporter or consumer such directions as it considers necessary regarding storage, sale, transportation and disposal of motor spirit or high speed diesel and upon the issue of such directions, such dealer, transporter or consumer shall be bound to comply therewith.

10. Provisions of the order to prevail over previous orders of State Governments, etc :-

The provisions of this order shall have effect notwithstanding anything to the contrary contained in any order made by a State Government or by an officer of such State Government before the commencement of this order except as respects anything done or omitted to be done thereunder before such commencement.

SCHEDULE 1

SCHEDULE

[See Cl. 2 (a)] 1. The density at 15 Degree Celsius of motor spirit or high speed diesel at the receiving end (received by dealer shall be within +/- 0.0030 of the density at 15 Degree Celsius at the despatch depot of the Oil Company as indicated in the delivery document. 2. The density at 15 Degree Celsius of motor spirit or high speed diesel in the dealer's tank, retail outlet pump/retail point/receptacle or any other point in retail outlet premises wherefrom sample is taken and tested shall be within +/- 0.0030 of the recorded density of the last receipt at the retail outlet and /or the density taken in the morning following the last receipt The dealer shall maintain the record of densities as mentioned herebefore in a separate Register, which shall be made available as and when required to the authorised Inspecting personnel.

SCHEDULE 2

2

[See Cl. 2 (j)] Details of norms for permissible stock variation Variation in stocks in underground tanks is considered to be beyond normal operation level when the inspection establishes that the variation in stocks in the underground tanks is beyond +4% of tank stock over and above : (i) Evaporation/handling losses in motor spirit as follows : 75% on annual average sale of 0-600 kilolitres. 6% on annual average sales of above 600 Kilolitres. Note.-In case of motor spirit shortage beyond permissible limits,

the explanation of the dealer will be called for before any action is taken under this Control Order. (ii) Handling losses in high speed diesel as follows : 25% on annual average sales of 0-600 kilolitres. 2% on annual average sales of above 600 kilolitres. (Shrinkage losses on motor spirit/high speed diesel and temperature variation allowance quantities on HSD to be taken into account wherever the same are applicable).

SCHEDULE 3

SCHEDULE

[See Cl. 8(5)] Laboratories for testing of petroleum product samples
Hindustan Petroleum Corpn. Ltd. Laboratories (1) Hindustan Petroleum Corpn. Ltd. Fuels Refinery Division Laboratory, Corridor Road, Mahul, Bombay 400074. (2) Hindustan Petroleum Corpn. Ltd., Lubes Refinery Laboratory, Corridor Road, Mahul, Bombay 400074. (3) Hindustan Petroleum Corpn. Ltd., Visakh Refinery Laboratory, P.O. Box No. 50, Vishakhapatnam 530 001. (4) Hindustan Petroleum Corpn. Ltd., Mazgaon Laboratory, Haybunder Road, Bombay 400 033. (5) Hindustan Petroleum Corpn. Ltd., Budge Budge Laboratory, Budge Budge, 24 Parganas, West Bengal 743 319. (6) Hindustan Petroleum Corpn. Ltd., Laboratory, 98/99, Elaya Mudali Street. P.O. Box No. 1170, Washermanpet, P.O. Madras. (7) Hindustan Petroleum Corpn. Ltd., Laboratory, Rohtak Road, Shakurbasti, Delhi 110 056. (8) Hindustan Petroleum Corpn. Ltd., Laboratory, P.O. No. 43, Gandhidham (Kutok) 370201. (9) Hindustan Petroleum Corpn. Ltd., Vasco Terminal Laboratory, P.B. No. 48, Vasco-D-Gama, Goa. (10) Hindustan Petroleum Corpn. Ltd., Ernakulam Terminal Laboratory, P.B. No. 2611, Ernakulam, Cochin 682031. (11) Hindustan Petroleum Corpn. Ltd. Loni Terminal Laboratory, Loni Kalbhor, Pune 412 201. (12) Hindustan Petroleum Corpn. Ltd., D.99, TTC Indl. Area, P.B-No. 2. Vashi 400703, New Bombay. Indian Oil Corporation Limited Laboratories (13) Indian Oil Corpn. Ltd. (Marketing Division), Allahabad Laboratory, Post Box. No. 44, Allahabad 211001. (14) Indian Oil Corpn. Ltd. Ambala Laboratory, G. T. Road Pipeline Terminal, Ambala Cantonment, Pin 133001 (Haryana). (15) Indian Oil Corpn. Ltd. Jalandhar Laboratory, Suchipind, Jalandhar City 144 009. (16) Indian Oil Corpn. Ltd. Mughalsarai Laboratory, Mughal Sarai 232101. (17) Indian Oil Corpn. Ltd. Haldia Laboratory, P.O. Haldia Refinery, Dist. Midnapur (West Bengal). (18) Indian Oil Corpn. Ltd. Port Blair Laboratory, Andaman and Nicobar Island, Port Blair. (19) Indian Oil Corpn. Ltd. Bangalore Laboratory, Banasawadi Road, M.S. Nagar, Bangalore 560033. (20) Indian Oil Corpn. Ltd. Antop Hill Laboratory, Antop Hill, Wadala, Bombay 400031. (21) Indian Oil Corpn. Ltd. Shakurbasti Laboratory, Opp. Shivaji Park, Shakurbasti, Delhi, 110056. (22) Indian Oil Corpn. Ltd., Delhi Terminal Laboratory, Gurgaon Road, Bijwasan, New Delhi. (23) Indian Oil Corpn. Ltd. Calcutta Airport Terminal Laboratory (Dum Dum Lab.), Calcutta Airport, Calcutta 700 052. (24) Indian Oil Corpn. Ltd. Korkupet Laboratory, Kathiavakkam High Road, Madras 600 021-. (25) Indian Oil Corpn. Ltd. Laboratory, Railway Colony Post Ahmedabad 380 019. (26) Indian Oil Corpn. Ltd. Laboratory, Rajabandh Terminal Laboratory, Dnrgapur 713212. (27) Indian Oil Corpn. Ltd. Laboratory, Sipara, Port Persav, Poon Poon, Patna. (28) Indian Oil Corpn. Ltd. Laboratory, Near New Jalpaiguri Station, Post Siliguri 734401. (29) Indian Oil Corpn. Ltd. Laboratory, Village Panchpara, P.O. Radhadashi Dist., Howrah. (30) Indian Oil Corpn. Ltd. Laboratory, Panambur Mangalore, Pin 575010. (31) Indian Oil Corpn. Laboratory, Wellington Islands, P.B. No. 35, Cochin 682 003. (32) Indian Oil Corpn. Ltd. Naphtha Terminal Project Laboratory, Opp. United Salt Works, Kandla Port, Post Office Kandla (Kutch.). (33) Indian Oil

Corpn. Ltd. Laboratory, P.B. No. 154, Vasco-Gama, Goa 403 001. (34) Indian Oil Corpn. Ltd. Laboratory, Malkapuram Post Office, Vishakhapatnam 530011. (35) Indian Oil Corpn. Ltd., Laboratory, Tuticorin Harbour Project Premises, Tuticorin 628 004. (36) Indian Oil Corpn. Ltd. Laboratory, Post Office Armapore, Kanpur, 208 009. (37) Indian Oil Corpn. Ltd. Laboratory, 24 Parganas, Budge Budge Calcutta 743319. (38) Indian Oil Corpn. Ltd. Laboratory, Post Office Fateh Bagh, Industrial Estate, Sannath Nagar, Hyderabad 500 018. (39) Indian Oil Corpn. Ltd. Mathura Refinery Laboratory, P.O. Mathura Refinery, Mathura 231005 (U.P.) (40) Indian Oil Corpn. Ltd., Barauni Oil Refinery Laboratory, Dist. Begusarai 851 112 (Bihar). (41) Indian Oil Corpn. Ltd., Gauhati Oil Refinery Laboratory, P.O.Noonmati, Gauhati 781020 (Assam). (42) Indian Oil Corpn. Ltd., Gujarat Oil Refinery Laboratory, P.O. Jawaharnagar, Dist. Vadodra 391320. (43) Indian Oil Corpn. Ltd., (Assam Oil Division), Digboi Refinery Laboratory, P.O. Digboi, Assam. (44) Indian Oil Corpn. Ltd. (R and D Centre), Sector 13, Faridabad 121001 Haryana. (45) Indian Oil Corpn. Ltd., Laboratory, Pir Pau, Trombay, Bombay 400 074. (46) Indian Oil Corpn. Ltd., Laboratory, Ennor High Road, Tondiarpet, Thiruvottiyur Post, Madras 600 081. (47) Indian Oil Corpn. Ltd., Laboratory, P. 68, C.G.R. Diversion Road, Paharpur, Calcutta 700 043. Bharat Petroleum Corporation Ltd. Laboratories (48) Bharat Petroleum Corpn. Ltd., R and D Centre, 'A' Installation, Sewree Fort Road, Sewree (East), Bombay 400 015. (49) Bharat Petroleum Corpn. Ltd., Budge Budge Installation Lab., Budge Budge, P.O. Budge Budge, West Bengal 743 319. (50) Bharat Petroleum Corpn. Ltd., Tondiarpet Installation Lab., Tondiarpet, P.B. No 1152, Madras 600 001. (51) Bharat Petroleum Corpn. Ltd., Shakurbasti Installation Lab., Shakurbasti, Delhi 110 056. (52) Bharat Petroleum Corpn. Ltd, Ermakulam Installation Lab., P.B. No. 2618, Goods Shed Road, Emakulam, Cochin 682 03. (53) Bharat Petroleum Corpn. Ltd. Kandla Installation Lab., P.B. No. 33, Post Gandhidham, Gujarat 370 201. I.B.P. Co. Limited Laboratory (54) I.B.P. Co. Ltd. Sewree Terminal Laboratory, Bombay 400 015. (55) I.B.P. Co. Ltd., IBP Depot Laboratory, Rohtak Road, Shakurbasti, New Delhi 110004. Mobile Laboratories of Oil Companies (56) Mobile Laboratories of Oil Companies (IOC, BPC, IBP Co. and HPC). Other Refinery Laboratories (57) Bongaigaon Oil Refinery Ltd., Refinery Laboratory, P.O. New Bongaigaon Dist. Kokrajhan, Assam. (58) Madras Refinery Laboratory, Madras Refineries Ltd. Manali, Madras 600 019. (59) Cochin Refinery Ltd., Refinery Laboratory, Post. Ambalamugal, Cochin 682 302. Government Laboratories (60) Director of Airworthiness, Civil Aviation Deptt. Laboratory, Block II/III. East R.K. Puram, New Delhi 110 066. (61) National Test House, II/I, Judges Court Road, Alipore, Calcutta 700 027. (62) National Physical Laboratory, Pusa, New Delhi 110 012. Defence Laboratories (63) Chief Controllrate of Materials, Controllrate General of Stores Laboratory, IGS Kanpur, P.B. No. 229, Kanpur. (64) Inspectorate-General of Stores Laboratory (IGSL) DGI Complex, Madras 600 014. (65) Inspectorate-General of Stores Laboratory, DGI Complex, Hastings, Calcutta 700 022. (66) Inspectorate-General of Stores Laboratory, DGI Complex Vikhroli, Bombay 400083. Other Laboratories (67) Indian Institute of Petroleum, Dehra Dun. 248005. (68) Indian Institute of Technology, Guindy-Madras. (69) Indian Institute of Technology, Hauz Khas, New Delhi. (70) Indian Institute of Technology, Powai, Bombay. (71) Indian Institute of Technology, Kharagpur. (72) Regional Research Laboratory, Uppal Road, Hyderabad 500 007. And all Forensic Laboratories in States/ UTs.