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NOTIFICATION

No.D.29018/3/87-LJL/139, Dated Aizawl, the 13rd December, 1990. The following Order published in Part II, Section 3, Sub-Section (i) of the Gazette of India Extraordinary, dated 25th September, 1990 is hereby republished for general information.

K. N. Srivastava,
Secretary to the Govt. of Mizoram,
Law, Judicial & Parliamentary Affairs Department.

Government of India
Ministry of Petroleum and Chemicals
(Department of Petroleum and Natural Gas)

Dated New Delhi, the 22nd September, 1990.

ORDER

G.S.R.811(E) In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (1 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 (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 first day of October, 1990 in respect of high Speed diesel and on the first day of January, 1991 in respect of Motor Spirit.

2. DEFINITIONS

In this Order, unless the context otherwise requires,

- the (a) "Adulteration" means/introductions of any foreign substance into Motor Spirits/high speed diesel illegally/unauthorisedly with the result that the product does not conform to the requirements indicated in Schedule I.
- (b) "Consumer" means a person who purchases products directly from an oil company and stores & utilises the products for his own consumption and shall include his representatives, employees or agent.
- (c) "dealer" means a person appointed by 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 hydrocarbon oil (Excluding mineral colza oil and turpentine substitute) which has its flash point at all above 25 degree celsius and is suitable for use as fuel in compression ignition engines.
- (e) "malpractices" shall includes the following acts of commission and omission in respect of motor spirit and high speed diesel :
- (i) adulteration,
 - (ii) pilferage,
 - (iii) stock variation,
 - (iv) unauthorised exchange,
 - (v) unauthorised purchase,
 - (iv) unauthorised sale.
- (f) "Motor spirit" means any hydrocarbon oil (excluding crude mineral oil) which has it flash point below 25 degree celsius, and which, either by itself or in ad-mixture with any other substance with 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 Govt., from time to time :
- i) Indian Oil Corporation Ltd.
(including Assam Oil Division)
 - ii) Bharat Petroleum Corporation Ltd.
 - iii) Hindustan Petroleum Corporation Ltd.
 - iv) IBP Company Ltd.
- (h) "pilferage" means stealing or attempt to steal of products from a container used for transportation of the product or from an receptacle used for the storage of the product and shall include any unauthorise attempt or act of tempering with such container/receptacle ;
- (i) "product" means motor spirit and high speed diesel oil ;

- (j) "stock variation" means, variation beyond the norms for permissible for variation in stock as given in Schedule II ;
- (k) "transporter" means a person authorise 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 products from a dealer or consumer to another dealer or consumer or to any other person in contravention of the directive issued by the State Govt. or Oil Companies.
- (m) "unauthorised purchase" means purchase of the products from sources other than those authorised by the Oil Companies or sources not authorise 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 Govt. or Oil Companies ;

3. PRODUCT SUPPLY AND TRANSPORTATION :

(i) 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.

(a) 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 products conforms to the requirements indicated in Schedule I. For this purpose, the dealer/consumer shall maintain a record of densities as indicated in Schedule I.

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

6. The delivery or sale of motor 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 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 for the purpose of satisfying himself that this Order or any order made there under 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 product 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 section 1 of the code of criminal procedure, 1973 (2 of 1974), relating to search and seizure shall, as far as may be, apply to searches and seizures under this order;

8. SAMBLING OF PRODUCT.

(1) The Officer authorised in clause 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 Schedule I.

(2) The officer authorised in clause 7 shall take, sign and seal three samples of 75 ml to 1 litre each of the product, one to be given to the dealer, transporter or concerned person under acknowledgement 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 1 days to any of the laboratories mentioned in Schedule III appended to this Order for analysis with a view to checking whether the density of the product conforms to requirements indicated in Schedule 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 directions, such dealer, transporter or consumer shall be bound to comply therewith.

10. PROVISION OF THE ORDER TO PREVAIL OVER PREVIOUS ORDER 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.

S. Banerjee,
Joint Secretary to the Govt. of India.

(File No. P-11013/3/1990-Dist.)

SCHEDULE-I

see clause 2 (a)

PRODUCT QUALIFY

1. The density at 15 degree Celsius of moto spirit or high speed diesel at the receiving end (received by dealer) shall be within +/- 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 \pm 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—II

see clause 2 (j)

DETAILS OF FORMS 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 \pm 4% of tank stock over and above :

i) Evaporation/handling losses in motor spirit as follows :

75% on annual average sales of \leq 6 Kilolitres

60% on annual average sales of above 6 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 \leq 6 Kilolitres

2% on annual average sales of above 6 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 - III

(See clause 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 - 530001.
- 4) Hindustan Petroleum Corpn. Ltd., Mazagoan Laboratory, Haybunder-Road, BOMBAY - 4000333.
- 5) Hindustan Petroleum Corpn. Ltd., Budge Budge Laboratory, Bugde Budge, 24 Parganas, WEST BENGAL - 743319.
- 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, Sakurvasti, Delhi-110056
- 8) Hindustan Petroleum Corpn. Ltd., Laboratory, P.B. No. 43, Gandhidhan (Kachchh) 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 - 412201
- 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., Amballa Laboratory, G.T. Road, Pipeline Terminal, Ambala Cantonment, PIN - 133001 (HARYANA)
- 15) Indian Oil Corpn. Ltd., Jalandhar Laboratory, Suchipind, Jalandhar City -144009
- 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 & Nicobar Island, PORTBLAIR.
- 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 Shakurvasti, 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 Air Port, Calcutta — 700052.
- 24) Indian Corpn. Ltd., Korkupet Laboratory, Kathiavakkam High Road, Madras — 600021.
- 25) Indian Oil Corpn. Ltd., Laboratory, Railway Colony Post, Amedabad — 380019.
- 26) Indian Oil Corpn. Ltd., Laboratory, Sipara, Post : Persav, Poon Poon, Patna.
- 27) Indian Oil Corpn. Ltd., Laboratory, Near New Jalpaiguri Station. Post : Siliguri — 734401.
- 28) Indian Oil Corpn. Ltd. Rajabanon Terminal Laboratory. Durgapur - 713212.
- 29) Indian Oil Corpn. Ltd., Laboratory, Village : Panchapara, P.O. Radhadashi. Dist. Howrah.
- 30) Indian Oil Corpn. Ltd., Laboratory, Panambur, Bangalore, Pin — 575010.
- 31) Indian Oil Corpn. Ltd., Laboratory, Wellington Islands, P.B. No. 35, Cochin — 682003.
- 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-da-Gama, GOA — 403001.
- 34) Indian Oil Corpn. Ltd., Laboratory, Mikapuran Post Office, Vishakhapatnam — 530011.
- 35) Indian Oil Corpn. Ltd., Laboratory, Tuticorin Harbour Project Premises, TUTICORIN-628004.
- 36) Indian Oil Corpn. Ltd., Laboratory, Post Office Armapore, KANPUR-208009
- 37) Indian Oil Corpn. Ltd., Laboratory, Post Office Fateh Bagh, Industrial Estate, Sannath Nagar, HYDERABAD-500018.
- 38) Indian Oil Corpn. Ltd., Laboratory, 24 Parganas, BUDGE BUDGE 743319

- 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. Bogusarai-851112. 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. Jawahar-nagar, Dist. Vadodra-3911320
- 43) Indian Oil Corpn. Ltd., (Assam Oil Division), Digboi Refinery Laboratory, P.O. Digboi, ASSAM . 786171.
- 44) Indian Oil Corpn. Ltd., (R&D Center), Faridabad-121001, HARYANA.
- 45) Indian Oil Corpn. Ltd., Laboratory, 'Pir Pau', Trombay, Bombay-400074.
- 46) Indian Oil Corpn. Ltd., Laboratory, Ennore High Road, Tondiarpeth, Thiruvottiyur Post, Madras-600081.
- 47) Indian Oil Corpn. Ltd., Laboratory, P. 68, C.G.R. Diversion Road, Paharpur, Calcutta — 700043.

BHARAT PETROLEUM CORPORATION LTD. LABORATORIES.

- 48) Bharat Petroleum Corpn. Ltd., R&D Centre, 'A' Installation, Sewree Fort Road, Sewree (East), Bombay — 400015.
- 49) Bharat Petroleum Corpn. Ltd., Budge Budge, P.O. Budge Budge, Dist. 24 Parganas, West Bengal — 743319.
- 50) Bharat Petroleum Corpn. Ltd., Tondiarpet Installation Lab., Tondiarpet, P.B. No. 1152, Madras — 600001.
- 51) Bharat Petroleum Corpn. Ltd., Shakurbasti, Installation Lab., Shakurbasti, Delhi — 110056.
- 52) Bharat Petroleum Corpn. Ltd., Ernakulam Installation Lab., P.B. No. 2618, Goods Shed Road, Ernakulan, Cochin — 682031.
- 53) Bharat Petroleum Corpn. Ltd., Kandla Installation Lab., P.B. No. 33, Post Gandhidham, Gujarat — 370201.

IBP CO. LIMITED LABORATORY

- 54) I.B.P. Co. Ltd. Sewree Terminal Laboratory Bombay — 400015.
- 55) I.B.P. Co. Ltd. IBP Depot Laboratory Rohtsk Road Shakurbasti New Delhi — 110034.

MOBILE LABORATORIES OF OIL COMPANIES.

- 56) Mobile Laboratories of Oil Companies, (IOC, BPC, IBP Co. & 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 - 600019.
 59) Cochin Refinery Ltd. , Refinery Laboratory, Post : Ambalamugal, COCHIN - 682302.

GOVERNMENT LABORATORIES.

- 60) Director of Airworthiness, Civil Aviation Deptt. Laboratory, Block II/III East R.K Puram, NEW DELHI - 110068.
 61) National Test House, 11/1, Judges Court Road, Alipore, CALCUTTA-700027.
 62) Natilnal Physical Laboratory, Pusa, New Delhi - 110012.

DEFENCE LABORATORIES

- 63) Chief Controlrate of Meterials, Controlrate General of Stores Laboratory, IGS Kanpur, P.B.No. 229, KANPUR.
 64) Inspectorate General of Stores Laboratory, (IGSL) DGI Complex. Madras - 600114.
 65) Inspectorate General of Stores Laboratory, DIG Complex, Hastings, Calcutta - 700022.
 66) Inspectorate General of Stores Laboratory, DG Complex, Vikhroli, Bombay - 400083.

OTHER LABORATORIES

- 67) Indian Institute of Petroleum, Dehru 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 - 500007.

and all FORENSIC LABORATORIES IN STATES/UTs.

S. Banerjee,
 Joint Secretary to the Govt. of India,
 (File No.P-11013/90-Dist.)