

The Motor Spirit and High Speed Diesel (Prevention of Malpractices in Supply and Distribution) Order, 1990

UNION OF INDIA

India

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Rule

THE-MOTOR-SPIRIT-AND-HIGH-SPEED-DIESEL-PREVENTION-OF-MA of 1990

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The Motor Spirit and High Speed Diesel (Prevention of Malpractices in Supply and Distribution) Order, 1990Published vide Notification G.S.R. 811 (E), dated September 22, 1990, published in the Gazette of India (Extraordinary) Part 2, Section 3(1), dated 25th September, 1990Last Updated 26th July, 2019In exercise of the powers conferred by Section 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. 1981 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 Schedule 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 grade 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 for 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 the variation between the actual sales as per dips and sales as per meter (Totaliser) readings beyond the norms for permissible variation in stocks as given in Schedule II] [Substituted by G.S.R. 546 (E), dated 5th August, 1993.];(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 of 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 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 (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) The State Government may, by notification in the Official Gazette, authorise an Officer or the licensing authority, not below the rank of an Inspector, in the Department of Food and Civil Supplies or an Officer of the Oil Company, not below the rank of Sales Officer, for the purpose of implementing the provisions of this Order.] [Substituted by G.S.R. 546 (E), dated 5th August, 1993.](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 (5), 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 100 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. Sampling 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 1.(2)The officer authorised in clause 7 shall take, sign and seal three samples

of 750 ml. to 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), immediately or in any case within a period of 10 days to any of the laboratories specified in Schedule III, appended to this Order, for the purpose of analysis of samples to check whether the density of the product conforms to requirements of Schedule I.] [Substituted by G.S.R. 546 (E), dated 5th August, 1993.]

9. Power of Central Government to issue Directions.

- The Central Government [or State Government with the approval of the Central Government] [Inserted by G.S.R. 546 (E), dated 5th August, 1993.] 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. Provision of the Order to prevail over previous orders of State Government 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.

I

[See Clause 2 (a)]Product Quality

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 dispatch 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, RO pumps/retail point receptacle or any other point in RO premises from where sample is taken and tested shall be within ± 0.0030 of the recorded morning density of the product in the storage tank or the density recorded after the last receipt, whichever is later. The dealer shall maintain a record of densities as mentioned hereinbefore on a daily basis in a separate register which shall be made available, as and when required, to the Authorised Inspecting Personnel.] [Substituted by G.S.R. 546 (E), dated 5th August, 1993.]

II

[See Clause 2 (i)]Details of norms for permissible stock variationVariation 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 per cent of tank stock over and above.(i)[* * *] [Omitted by G.S.R. 546 (E), dated 5th August, 1993.]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

0.

25. per cent on annual average sales of 0.600 kilolitres

0.20per cent 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).[Note. - In case of variation beyond permissible limits in the stocks of motor spirit or high speed diesel, dealer's explanation will be called for before any action is taken under the provisions of this order.] [Inserted by G.S.R. 546 (E), dated 5th August, 1993.]

III

[See Clause B (5)]Laboratories for testing of petroleum product samplesHindustan Petroleum Corpn. Ltd. Laboratories

- (1) Hindustan Petroleum Corpn. Ltd., Fuels RefineryDivision
Laboratory, Corridor Road, Mahul, Bombay - 400 074.
- (2) Hindustan Petroleum Corpn. Ltd., Lubes RefineryLaboratory,
Corridor Road, Mahul, Bombay - 400 074.
- (3) Hindustan Petroleum Corpn. Ltd., Visakh RefineryLaboratory, P.O.
Box 50. Visakhapatnam - 530 001.
- (4) Hindustan Petroleum Corpn. Ltd., MazagaonLaboratory,

- Haybunder Road, Bombay - 400 033.
- (5) Hindustan Petroleum Corpn. Ltd., Budge Budge Laboratory, Budge Budge, 24, Pargana, 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.B. No. 43, Gandhidham (Kutch) - 370 201.
- (9) Hindustan Petroleum Corpn. Ltd., Vasco Terminal Laboratory, P.B. No. 48, Vasco Da Gama, Goa.
- (10) Hindustan Petroleum Corpn. Ltd., Ernakulam Terminal Laboratory, P.B. No. 2611, Ernakulam, Cochin - 682 031.
- (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-400 703, New Bombay.
- Indian Oil Corporation Limited Laboratories
- (13) Indian Oil Corpn. Ltd., (Marketing Division), Allahabad Laboratory, Post Box No. 44, Allahabad-211 001.
- (14) Indian Oil Corpn. Ltd., Ambala Laboratory, G.T. Road, Pipeline Terminal, Ambala Cantonment, Pin -133 001 (Haryana).
- (15) Indian Oil Corpn. Ltd., Jalandhar Laboratory, Sughipind, Jalandhar City - 144 009.
- (16) Indian Oil Corpn. Ltd., Mughalsarai Laboratory, Mughalsarai - 232 101.
- (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 - 560 033.
- (20) Indian Oil Corpn. Ltd., Antop Hill Laboratory, Antop Hill, Wadala, Bombay - 400 031.
- (21) Indian Oil Corpn. Ltd., Shakurbasti Laboratory, Opp. Shivaji Park, Shakurbasti, Delhi- 110 056.
- (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 -700 052.

- (24) Indian Oil Corpn. Ltd., Korkupet Laboratory, Kathiavakkam High Road, Madras - 600 021.
- (25) Indian Oil Corpn. Ltd. Laboratory. Railway Colony. Road,. Ahmedabad- 380 019.
- (26) Indian Oil Corpn. Ltd., Rajabandh Terminal Laboratory, Durgapur - 713 212.
- (27) Indian Oil Corpn. Ltd. Laboratory, Sipara, Post: Persav, Poon Poon, Patna.
- (28) Indian Oil Corpn. Ltd., Laboratory, Near New Jalpaiguri Station, Post: Siliguri - 734 401.
- (29) Indian Oil Corpn. Ltd. Laboratory, Village: Panchpara, P.O. Radhadashi, Dist. Howrah.
- (30) Indian Oil Corpn. Ltd., Laboratory, Panambur, Mangalore, Pin- 575 010.
- (31) Indian Oil Corpn Ltd. 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 De Gama, Goa - 403 001.
- (34) Indian Oil Corpn. Ltd. Laboratory, Malkapuram Post Office, Visakhapatnam - 530 011.
- (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 - 743 319.
- (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- 231 005 (U.P.).
- (40) Indian Oil Corpn. Ltd., Barauni Oil Refinery Laboratory, Distt. Begusarai - 851 112, Bihar.
- (41) Indian Oil Corpn. Ltd., Gauhati Oil Refinery Laboratory, P.O. Noonmati, Gauhati - 781 020, Assam.
- (42) Indian Oil Corpn. Ltd., Gujarat Oil Refinery Laboratory, P.O. Jawaharnagar, Dist. Vadodra - 391 320.
- (43) Indian Oil Corpn. Ltd., (Assam Oil Division), Digboi Refinery Laboratory, P.O. Digboi, Assam - 786 171.

- (44) Indian Oil Corpn. Ltd., (R&D Centre),Sector 13, Faridabad - 121 001. Haryana.
- (45) Indian Oil Blending Ltd., Laboratory, 'Pir Pau', Trombay, Bombay - 400 074.
- (46) Indian Oil Blending Ltd., Laboratory, Ennore High Road, Tondiarpet, Thiruvottiyur Post, Madras- 600 081.
- (47) Indian Oil Blending Ltd. Laboratory, P. 68, C.G.R. Diversion Road, Paharpur, Calcutta - 700 043.
- [(47-A) [[Inserted by G.S.R. 546 (E), dated 5th August, 1993.]] Indian Oil Corporation Limited Bhilai Laboratory, Near Railway Goods Shed Bhilai (M.P.). [[Inserted by G.S.R. 546 (E), dated 5th August, 1993.]]]
- (47-B) [[Inserted by G.S.R. 546 (E), dated 5th August, 1993.]] Indian Oil corporation Limited, Bhopal Laboratory, Diwangiri, Nishatpur, Bhopal - 462 001. [[Inserted by G.S.R. 546 (E), dated 5th August, 1993.]]]
- (47-C) [[Inserted by G.S.R. 546 (E), dated 5th August, 1993.]] Indian Oil Corporation Limited, Haldia Laboratory, P.O. Haldia Refineries, Distt. Midnapur, West Bengal. [[Inserted by G.S.R. 546 (E), dated 5th August, 1993.]]]
- (47-D) [[Inserted by G.S.R. 546 (E), dated 5th August, 1993.]] Indian Oil Corporation Limited, Missamari Laboratory, Distt. Darrang, P.O. Missamari, Assam. [[Inserted by G.S.R. 546 (E), dated 5th August, 1993.]]]
- (47-E) [[Inserted by G.S.R. 546 (E), dated 5th August, 1993.]] Indian Oil Corporation Limited, Jaipur Laboratory, Sangner Airport, Jaipur - 302011. [[Inserted by G.S.R. 546 (E), dated 5th August, 1993.]]]
- 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 Installation Lab., Budge Budge. P.O. Budge Budge, 24, Pargana, West Bengal - 743319.
- (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., Ernakulam Installation Lab., P.B. No. 2615, Goods Shed Road, Ernakulam, Cochin - 682031.
- (53) Bharat Petroleum Corpn. Ltd., Kandla Installation Lab., P.B. No. 33, Post Gandhidham, Gujarat - 370201.
- I.B.P. Co. Limited laboratory
- (54) I.B.P. Co Ltd., Sewree Terminal Laboratory, Bombay - 400015.
- (55) I.B.P. Co. Ltd., IBP Depot Laboratory, Rohtak Road, Shakurbasti, New Delhi - 110 034.

- [(55-A) [Added by G.S.R. 546 (E), dated 5th August, 1993.] IBP Co. Limited Laboratory, 93, M.S.Koil Street,Near Royapuram Bridge, Masseys Godown, Madras.] [Added by G.S.R. 546 (E), dated 5th August, 1993.]
- Mobile Laboratories Of Oil Companies
- (56) Mobile Laboratories of Oil Companies, (IOC, BPC,IBP Co HPC).
Other Refinery Laboratories
- (57) Bongaigaon Oil Refinery Ltd., RefineryLaboratory, P.O. New Bongaigaon, Distt. Kokrajhan, Assam.
- (58) Madras Refinery Laboratory, Madras RefineriesLtd., 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.
- [(62-A) [[Added by G.S.R. 546 (E), dated 5th August,1993.]] Chemical Testing and Analytical Laboratory,Industries and Commerce Department, Government of Tamil Nadu,Guindy.] [[Added by G.S.R. 546 (E), dated 5th August,1993.]]
- Defence Laboratories
- (63) Chief Inspectorate of Materials, InspectorateGeneral of Stores Laboratory, IGS Kanpur, P.B. No. 229, Kanpur.
- (64) Inspectorate General of Stores Laboratory,(I.G.S.L.), DGI Complex, Madras- 600 114.
- (65) Inspectorate General of Stores Laboratory, DGIComplex, Hastings, Calcutta - 700 022.
- (66) Inspectorate General of Stores Laboratory, DGIComplex, Vikhroli, Bombay - 400 083.
- Other Laboratories
- (67) Indian Institute of Petroleum, Dehra Dun - 248005.
- (68) Indian Institute of Technology, Guindy, Madras.
- (69) Indian Institute of Technology, Hauz Khas, NewDelhi.
- (70) Indian Institute of Technology.
- (71) Indian Institute of Technology, Powai, Bombay.Kharagpur.
- (72) Regional Research Laboratory, Uppal Road,Hyderabad - 500 007.
and all Forensic Laboratories in States/UTs.