

11 PETROLEUM AND ADULTERATION

Petrol, kerosene and diesel are petroleum products obtained from fractional distillation of crude oil in refineries. These contain different compounds of carbon and hydrogen called hydrocarbons. From refinery, they are transported to a supply point normally by pipeline and then to petrol pumps by tankers.

In order to fetch undue profit, petrol and diesel are adulterated with cheaper solvents despite strict government restrictions. Sometimes, fake petrol and diesel are prepared by mixing cheaper solvents with dye and other ingredients. Kerosene meant for public distribution is specially coloured with blue dye. Colouring of kerosene serves double purpose: first, to differentiate it from normal kerosene and, second, if used for adulteration, the colour of the petrol and diesel will change, thus, making adulteration difficult. However, people have developed the method of removing the blue dye of kerosene and then, using it for adulteration.

The other way of fetching undue high profit is to give short delivery by manipulating in dispensing unit of petrol pump. Recently, it has come to the knowledge that some petrol pumps are using some chip and manipulating the mother board fitted in the dispensing machine. It can be operated by remote control device to give short supply.

Adulteration can be done at the following points:

- (i) While transporting the petroleum products from supply point to retailer by tanker lorry driver and his associates.
- (ii) By the retail dealer after receiving supply and mixing in tank.

Petroleum and petroleum products are covered under Section 2 (a) (viii) of Essential Commodities Act of 1955, amended from time to time. All orders and notifications are issued by the Ministry of Petroleum and Natural Gas in exercise of powers conferred by Section 3 of the said Act.

Section 7 of Essential Commodities Act 1955 prescribes the penalties as:

- (1) If any such person contravenes any order made under Section 3,-
 - (a) He shall be punishable,-
 - (i) In the case of an order made with reference to clause (h) or clause (i) of sub-section (2) of that section, with imprisonment for a term which may extend to one year and shall also be liable to fine, and
 - (ii) In the case of any other order, with imprisonment for a term which shall not be less than three months but which may extend to seven years and also be liable to fine: Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than three months;
 - (b) Any property in respect of which the order has been contravened shall be forfeited to the government;
 - (c) Any package, covering or receptacle in which the property is found and any animal, vehicle, vessel or other conveyance used in carrying the commodity shall, if the court so orders, be forfeited to the government.
- (2) If any person to whom a direction is given under clause (b) of sub-section (4) Section 3 fails to comply with the direction, he shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to seven years and shall also be liable to fine:
Provided that the court may, for any adequate and special reasons to be mentioned in the judgement, impose a sentence of imprisonment for a term of less than three months.
- (2A) If any person convicted of an offence under sub-clause (ii) of clause (a) of sub-section (1) or under sub-section (2) is again convicted of an offence under the same provision, he shall be punishable with imprisonment for the second and for every subsequent offence for a term which shall not be less than six months but which may extend to seven years and shall also be liable to fine:
Provided that the court may for any adequate and special reasons to be mentioned in the judgment impose a sentence of imprisonment for a term of less than six months.

- (2B) For the purposes of sub-sections (1), (2) and (2A), the fact that an offence under sub-clause (ii) of clause (a) of sub-section (1) or under sub-section (2) has caused no substantial harm to the general public or to any individual, shall be an adequate and special reason for awarding a sentence of imprisonment for a term of less than three months, or six months, as the case may be.
- (3) Where a person having been convicted of an offence under sub-section (1) is again convicted of an offence under that sub-section for contravention of an order in respect of an essential commodity, the court by which such person is convicted shall, in addition to any penalty which may impose on him under that sub-section, by order, direct that person that shall not carry on any business in that essential commodity for such period, not being less than six months, as may be specified by the court in the order.

As per the **order GSR 729(E) dated 19 December, 2005 of Ministry of Petroleum and Natural Gas:**

- (i) **High Speed Diesel** means any hydrocarbon oil, excluding mineral colza oil and turpentine substitute, which meets the requirements of Bureau of Indian Standards, specification no. IS1460 and is suitable for use as fuel in compression ignition engines.
- (ii) **Motor Spirit** means any hydrocarbon oil, excluding crude mineral oil, which meets the requirements of Bureau of Indian Standards specification no. IS 2796.
- (iii) **Adulteration** means the introduction of any foreign substance into motor spirit or high speed diesel illegally or unauthorizedly with the result that the product does not conform to the requirements of the Bureau of Indian Standards specification no. IS 2796 and IS no. 1460 for motor spirit and high speed diesel, respectively or any other requirement notified by the central government from time to time.
- (iv) **Malpractices** shall include the following acts of omission and commission in respect of motor spirit and high speed diesel:
- (a) Adulteration,
 - (b) Pilferage,
 - (c) Stock variation,
 - (d) Unauthorized exchange,

- (e) Unauthorized purchase,
- (f) Unauthorized sale,
- (g) Unauthorized possession,
- (h) Over-charging,
- (i) Sale of specification product,
- (j) Short delivery

As per the **order GSR 518(E) dated 5 June, 2000 of Ministry of Petroleum and Natural Gas:**

Naphtha is liquid hydrocarbon with 90 per cent volume distillation, by ASTM D-86 distillation method, of 190 degrees centigrade or less.

As per the **order GSR 584(E) of 1993 of Ministry of Petroleum and Natural Gas:**

Kerosene means a middle distillate mixture of hydrocarbons meeting BIS specification no. IS 1459 of 1974 with important characteristics of flash point at a minimum of 35 °C and smoke point at a minimum of 18mm.

Subsidised kerosene sold through public distribution system (PDS) is blue in colour while the market priced kerosene is colourless.

Common adulterants of petrol

- (i) Kerosene
- (ii) Naphtha
- (iii) Special boiling solvents
- (iv) Mineral turpentine oil, etc.

Common adulterants of diesel

- (i) Kerosene
- (ii) Used lubricating oil



Figure 11.1: Colour of petrol (93 octane), normal petrol and diesel

Power of Search and Seizure:

According to the Ministry of Petroleum and Natural Gas **order GSR 729 (E) dated 19 December, 2005:**

- (1) Any gazetted officer of the central or the state government or any police officer not below the rank of Deputy Superintendent Police duly authorized, by general or special order of the Central Government or the State Government, as the case may be, or any officer of an oil company, not below the rank of sales officer, may, with a view to securing compliance with the provision of this order, or for the purpose of satisfying himself that this order or any order made there under has been complied with or there is reason to believe that all or any of the provisions of this order have been and are being or are about to be contravened-
 - (a) enter and search any place or premises of a dealer, transporter, consumer or any other person who is an employee or agent of such dealer or transporter or consumer;
 - (b) stop and search any person or vehicle or receptacle used or intended to be used for movement of the product;
 - (c) take samples of the product and seize any of the stocks of the product and the vehicle or receptacle or any other conveyance used or suspected to be used for carrying such stocks and thereafter take or authorize the taking of all measures necessary for securing the production of stocks or items so seized before the Collector or District Magistrate having jurisdiction under the provisions of the Essential Commodities Act, 1955 and for their safe custody pending such production;
 - (d) inspect, seize and remove with, such aid or assistance as may be necessary, books, registers, any other records or documents of the dealer, transporter, consumer or any other person suspected to be an employee or agent of the dealer, transporter or consumer;
- (2) While exercising the power of seizure provided under above sub-clauses (c) and (d) the authorized officer shall record in writing the reasons for doing so and a copy of such recording shall be provided to the dealer, transporter, consumer or any other concerned person, as the case may be.
- (3) 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.

According to the Ministry of Law and Justice (legislative department) order dated **14 January, 2010 The Legal Metrology Act, 2009 (No. 1 of 2010)**:

‘**Legal Metrology Officer**’ means Additional Director, Additional Controller, Joint Director, Joint controller, Deputy Director, Deputy Controller, Assistant Director, Assistant Controller and Inspector appointed under sections 13 and 14.

11.1 List of Equipments required

Sampling equipment for taking sample from retail outlet and tank lorry:

1. **Aluminium container**-for sampling from retail outlets
 - (a) Leak-proof, airtight lid, capacity 1 litre.
 - (b) Container could be circular or rectangular.
 - (c) Closures for containers; only screw caps should be used for metal cans to provide a vapour tight closure seal.



Figure 11.2: (left to right): Rectangular aluminium container, wooden box for packing, circular aluminium container

2. **Tube sampler**- for sampling from drums and cans
 - (a) Wooden box for packing.
 - (b) Standard plastic seal and sealing wire.
 - (c) Calibrated density measuring apparatus (hydrometer for MS and HSD).
 - (d) Set of filter paper and dropper.
 - (e) Plier (used for twisting and cutting of sealing wire).
 - (f) 5 litre standard measuring can.

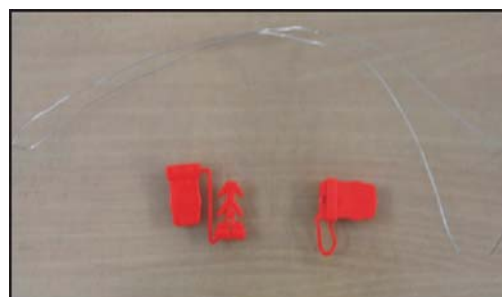


Figure 11.3: Standard plastic seal and sealing wire

Filter Paper Test

- (i) Filter paper test is done on MS samples to detect contamination/adulteration with other higher boiling fractions, i.e. SKO or HSD, etc.
- (ii) 2 drops of MS are poured on a good quality filter paper and observation is recorded after 2 minutes.

- (iii) An oily stain left on filter paper indicates the presence of higher boiling petroleum fractions in MS.

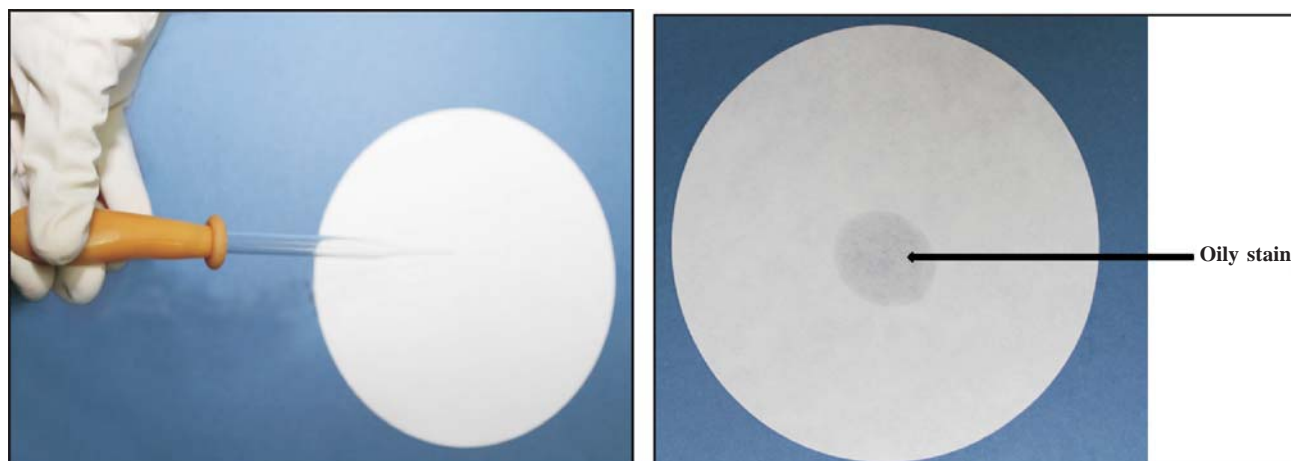


Figure11.4: Filter paper test

Weight and Measurement:

In addition to adulteration, undue profit can be earned by giving short supply, i.e. in place of 5.0 litre, delivering only 4.50 litres by manipulation in the delivery system. Fuel pumps are sealed after calibration to prevent adjustment of calibration and fraudulent practices. They are required to operate within a tight prescribed tolerance. The Legal Metrology (general) Rules, 2010 have empowered and entrusted the Legal Metrology Officers in India to take many measures to prevent fraudulent practices in digital dispensing pumps.



Figure 11.5: W&M certified standard 5 litre container

According to the Ministry of Law and Justice (Legislative Department) **order dated 14 January, 2010 The Legal Metrology Act, 2009 (No. 1 of 2010):**

Penalty for use of non-standard weight or measure: Whoever uses or keeps for use any weight or measure or makes use of any numeration otherwise than in accordance with the standards of weight or measure or the standard of numeration, as the case may be, specified by or under this Act, shall be punished with fine which may extend to Rs. 25,000 and for the second or subsequent offence, with imprisonment for a term which may extend to six months and also with fine.

Penalty for alteration of weight and measure: Whoever tampers with, or alters in any way, any reference standard, secondary standard or working standard or increases or decreases or

alters any weight or measure with a view to deceiving any person or knowing or having reason to believe that any person is likely to be deceived thereby, except where such alteration is made for the correction of any error noticed therein on verification, shall be punished with fine which may extend to Rs. 50,000 and for the second and subsequent offence with imprisonment for a term which shall not be less than six months but which may extend to one year or with fine or with both.

Short delivery of products:

Weight and measurement (W&M) department seals metering unit (display) and totalizer unit with sealing wire and lead seal which is embossed by W&M inspector. In the following cases seal may be treated as tampered:

- (i) The embossed seal of W&M is changed.
- (ii) Sealing wire is found broken and rejoined.
- (iii) Change in fitting/gear inside the dispensing unit with the intention of manipulating delivery.

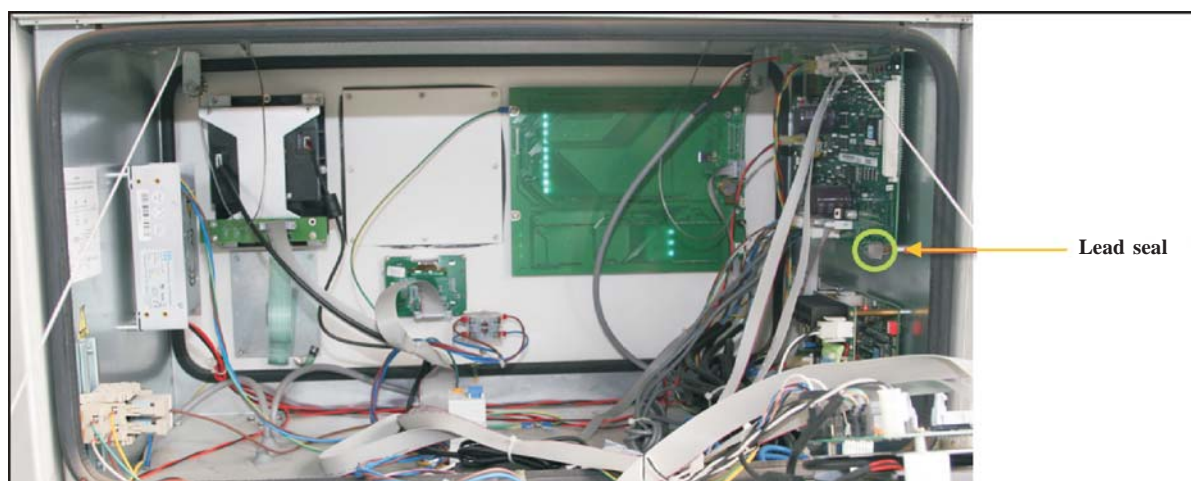


Figure 11.6: Metering (display) unit sealed with lead seal and sealing

Methods of manipulation/tampering in software/chip:

- (i) **Changing E-prom program or software by way of setting preset keypad**
 - (a) E-prom chip is a very important component and is located on the motherboard. As it controls display and discharge, the short delivery can be manipulated by setting preset-keypad.
 - (b) Preset-keypad is used to control various parameters like price, delivery setting, etc. Hence, it can be used to change E-prom program.

(ii) Tampering with E-prom chips and cards by replacing them with spurious chips/cards available in the market:

E-prom chips or the cards are available in the market and they can be replaced in place of the original one in order to manipulate the discharge. A second E-prom chip can also be added parallel to the original one which may be activated by a dual switch while deactivating the original.

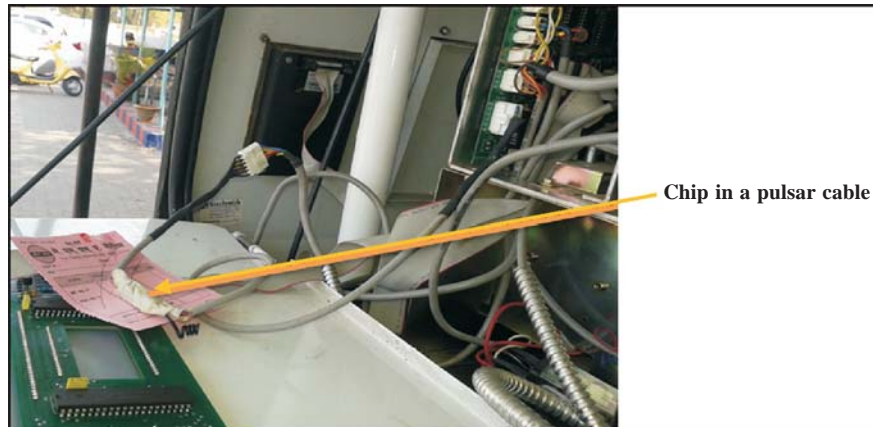


Figure 11.7: Chip covered in a pulsar (white) cable

(i) Disconnecting the digital totalizer for adulteration

- (a) The pump can easily be manipulated for adulteration by way of disconnecting the digital totalizer to manipulate the stock in the tank.
- (b) For example, in 10000 litre petrol, 1000 litre naphtha is added. The totalizer should show the delivery of 11000 litre, but by manipulation by disconnecting the totalizer, the delivery can be shown as 10000 litre.

(ii) Scrapping the history of calibration and manipulation

In digital pump, in some software the complete history of calibration and manipulation is not traceable so that manipulated adjustment in software could not be detected. In such cases, the evidence of manipulation is lost.

(iii) Altering the K factor without tampering the seal

In some digital imported pumps, K factor can be altered without tampering the seal. K factor is altered to change the synchronization between discharge and display for manipulating the delivery without being caught by enforcement authorities, i.e. Legal Metrology.

(iv) Use of duplicate motherboard

In digital pumps, duplicate mother board can easily be fitted along with original one or in place of original for manipulation of short delivery of fuel.

(v) Pulse rate manipulation

As the digital pumps are working on the basis of pulse rate, the delivery can be manipulated by modifying the pulses rate.

(vi) Modifying the disk with more holes for manipulation of short delivery

By modifying the disk (where the disk and proximity switches are used as the primary transducer) with more holes than the original one, the delivery can be manipulated.

In all above cases the short delivery can be manipulated without breaking the seal of Legal Metrology.

Note: In case of suspected above manipulations and tampering, officer from Weight and Measurement Department should be called, who would check for manipulations and take further necessary action.

11.2 Drawl of Samples

Samples from retail outlets can be drawn in case of stock variation beyond permissible limits, density failure (if difference of density variation is more than 0.003 kg/m³ when compared with the record of receiving supply), filter paper test failure and also during special drives/campaigns or in case of specific complaint against the retail outlets or suspected to give short deliveries.

Samples are to be drawn from nozzle (s) of the dispensing units from all tanks of both MS and HSD by authorized officer of oil companies and other departments.

All the inspecting officials shall bring their own aluminium containers and plastic seals and sealing wire with wooden boxes for drawing samples. They will pay for the cost of samples collected by them and obtain cash memo for the same.

Procedure to be followed is as under:

Motor Spirit/Gasoline/Petrol

Six samples of 1 litre each from each tank of the retail outlet should be collected.

- (i) Two samples are to be retained by the dealer or transporter or concerned person under acknowledgement with instructions to preserve the sample in his safe custody till the testing or investigations are completed.
- (ii) Two samples are to be retained by the concerned oil company or department.
- (iii) Two samples are sent to the laboratories authorized for testing.

Wherever the laboratory is not equipped for the testing of Octane number, then the second sample should be sent to the laboratory where CFR engine is available for Octane number test.

High Speed Diesel

Three samples of 1 litre each from each tank of the retail outlets should be collected.

- (i) One sample is to be retained by the dealer or transporter or concerned person under acknowledgement with instructions to preserve the sample in his safe custody till the testing or investigations are completed.
- (ii) One sample is to be retained by the concerned oil company or department.
- (iii) One sample is to be sent to the laboratory authorized for testing.

Note: In case there is requirement of finding Cetane number then one additional sample is to be collected. Thus, in such a case, four samples of 1 litre each should be collected.

Drawl of sample of MS/HSD from tank lorry:

Initially 20 litre of the bottom fuel of each chamber of the tank lorry is removed and then the sample from each chamber is collected.

- (i) If the density of sample from each chamber is found to be same then all the samples are mixed and 6 samples of 1 litre each for MS, 3 samples of 1 litre each for HSD and kerosene are collected.
- (ii) If the density of sample from each chamber is found to be different then sample from each chamber is collected separately and 6 samples of 1 litre each for MS from each chamber, 3 samples of 1 litre each for HSD and kerosene from each chamber are collected.

Drawl of sample of kerosene from tank lorry suspected to be transporting kerosene unauthorizably or on fake document for the purpose of adulteration of petrol (MS) or HSD:

Collect three samples of 1litre each as mentioned under MS/HSD from tank lorry.

Search of site:

- (i) Preparing fake MS and HSD: Collect all the chemicals and solvents used in preparation of fake MS and HSD and pack each of them in separate packet and container.
- (ii) Processing conversion of PDS blue coloured kerosene into colourless kerosene: Collect three samples of 1litre each and separately collect chemicals used in making kerosene colourless.

Precautions to be taken while drawing samples:

- (i) Samples should only be drawn by an authorized officer(s).
- (ii) Sample containers should be rinsed twice with the product before drawl of sample.
- (iii) Container for drawing sample should be filled with the material to be sampled and allowed to drain at least once before drawing the sample.
- (iv) Sample containers should never be filled completely with the product and sufficient space should always be left to allow for expansion.
- (v) Sample containers should be closed immediately after taking the sample.
- (vi) After sampling and sealing, the container should be inverted and checked for any leaks.
- (vii) Sample should not be drawn in plastic containers because they are not tamper-proof and also not recommended.
- (viii) Care should be taken to avoid breathing petroleum vapors while sampling.
- (ix) Sample containers of volatile products should be stored upside down to prevent loss of low boiling constituents. Periodical examinations should be made for leakage.
- (x) When samples are required from various levels in a tank, the order of sampling should be from the top downwards so that each sample is obtained before the liquid at that level is disturbed.

11.3 Packaging and Forwarding of Samples

Sealing of sample

- (i) Sealing of the sample containers may be done with ISI marked stainless steel wires. Aluminium containers as well as the wooden box (used for safe transportation of aluminium containers) should be properly sealed.

- (ii) Random numbered plastic seals, sealing wire (both can be obtained from oil companies) and pliers are to be used for sealing of all sample containers.
- (iii) Details of seal (seal no. and colour) should be indicated on sample label as well as on forwarding letter.
- (iv) While applying sealing wax, naked flame should be kept away from the petroleum vapors.
- (v) DCP type fire extinguisher should be kept at easy access.
- (vi) Facsimile of the seal should be indicated on sample label as well as on forwarding letter.



Figure 11.8 (left to right): Method of sealing the sample container

Labelling of sample

- (i) Clearly label all the sample containers
- (ii) Tie on labels are preferred
- (iii) Use indelible markings on the labels
- (iv) The sample label should be jointly signed by the authorized officer who has drawn the sample and the dealer or transporter or concerned person or his representative (with their names below the signature).
- (v) The sample label should contain the following information:
 - (a) Product's name (MS/HSD)
 - (b) Name and address of retail outlet
 - (c) Name of the oil company
 - (d) Quantity of sample



Figure 11.9:
Aluminum container sealed and labelled

- (e) Date of sample collection
- (f) Time of sample collection
- (g) Name of authorized officer
- (h) Name of the dealer or transporter or concerned person or his representative
- (i) Plastic seal number on aluminium container
- (j) Plastic seal number on wooden box
- (k) Signature of witnesses

Dispatch of sample

The authorized officer shall forward the sample of the product taken within 10 days to any of the laboratories mentioned below or to any other such laboratory when it may be notified by the government in the official gazette for this purpose, for analyzing with a view to checking whether the density and other parameters of the product conform to the requirements of Bureau of Indian Standard specifications No. IS 2796 and IS 1460 for motor sprit and high speed diesel, respectively.

The laboratories mentioned below shall furnish the test report to the authorized officer within twenty days of receipt of sample at the laboratory for appropriate action.

According to Ministry of Petroleum and Natural Gas Order GSR 729(E) dated 19 December 2005, Laboratories for testing of petroleum product samples (as listed in Schedule III) are listed below:

(A) Marketing and Refinery Laboratories of Oil Companies

- (i) All the marketing (including mobile laboratories) and refinery laboratories of Bharat Petroleum Corporation Limited, Hindustan Petroleum Corporation, Indian Oil Corporation Limited and IBP Co. Limited;
- (ii) Bongaigaon Oil Refinery Ltd., Refinery Laboratory, P.O. New Bongaigaon dist. Kokrajhar, Assam;
- (iii) Chennai Petroleum Corpn. Ltd., Refinery Laboratory, Manali, Chennai-600019, Tamil Nadu;



Figure 11.10: Wooden box containing aluminium container sealed and labelled to be forwarded to an

- (iv) Kochi Refinery LTD., Refinery Laboratory, Post Ambalamugal, Kochi-682302, Kerala;
- (v) Mangalore Refinery and Petrochemicals Ltd. Refinery Laboratory, Kuthethoor, P.O. Katipalla, Moodapadav, P.B. no. 2, Mangalore 574149, Karnataka;
- (vi) Numaligarh Refinery Limited, refinery Laboratory, Numaligarh, Assam; and
- (vii) Reliance Petroleum Ltd., Refinery Laboratory, Moti Khavdi (Vill.), Digvijaygram (PO) Jamnagar (Dist)-361140, Gujrat.

(B) Government Laboratories

- (i) Director of Airworthiness, Civil Aviation Dept. Laboratory, Block II/III East, R.K. Puram, New Delhi 110066;
- (ii) National Test House, 11/1, Judges Court Road, Alipore, Calcutta-700027;
- (iii) National Physical Laboratory, Pusa, New Delhi-110012;
- (iv) Chemical testing and Analytical Laboratory, Industries and Commerce Department, Government of Tamil Nadu, Guindy.

(C) Defence Laboratories

- (i) Chief Controlrate of Materials, Controlrate General of Stores Laboratory, IGS Kanpur, P.B. No. 229, Kanpur;
- (ii) Inspectorate General of Stores Laboratory (I.G.S.L.), DGI Complex, Chennai-6000114;
- (iii) Inspectorate General of Stores Laboratory, DGI Complex, Hastings, Calcutta-700022;
- (iv) Inspectorate General of Stores Laboratory, DGI Complex, Vikhroli, Mumbai-400083.

(D) Other Laboratories

- (i) Central Power Research Institute, Bangalore;
- (ii) Fuel testing Laboratory, Society for Petroleum Laboratory, B-14, Sector 62, Noida, U.P.;
- (iii) Indian Institute of Petroleum, Dehra Dun 248005;
- (iv) Indian Institute of Technology, Guindy, Chennai;
- (v) Indian Institute of Technology, Hauz Khas, New Delhi;
- (vi) Indian Institute of Technology, Powai, Mumbai;
- (vii) Indian Institute of Technology, Kharagpur;

- (viii) Regional Research Laboratory, Uppal Road, Hyderabad-500007;
- (ix) Ramdev Baba Engineering college, Kalol Road, Nagpur 440013, Maharashtra;
- (x) Lakshmi Narayan Institute of Technology, Amravati Road, Nagpur 440010, Maharashtra.

(E) All Forensic Laboratories in the States/Union Territories

11.4 Queries

From Forensic Science Laboratory/Central Forensic Science Laboratory/other authorized laboratories:

For Petrol/Gasoline/Motor Spirit (MS)

- (i) Whether the sent sample is petrol.
- (ii) If petrol, whether is it adulterated.
- (iii) If petrol is adulterated, what is the adulterant(s) present?
- (iv) If petrol is fake, give the name of the chemical(s) used.

For Kerosene

- (i) Whether the sample sent is kerosene.
- (ii) Whether it is PDS kerosene or kerosene or whether PDS blue kerosene is converted to colourless kerosene.

For High Speed Diesel (HSD)

- (i) Whether the sample sent is HSD.
- (ii) Whether the sample is adulterated or fake.
- (iii) If HSD is adulterated, what is the nature of adulterant(s)?
- (iv) If HSD is fake, give the name of the chemical(s) used in preparing it.

Comparison of two samples

Whether the samples taken from drum and tanker have the same source.

11.5 Case Studies

Case study 1	
<p>Samples of Motor Spirit were collected from a reputed petrol pump of Bharat Petroleum Pvt. Ltd. and sent to laboratory for examination. According to the laboratory report, Motor Spirit sample was found to be adulterated. The dealership of the petrol pump was terminated. Dealer of the petrol pump filed writ petition alleging that termination of dealership is illegal in first instance. Defence Lawyer pointed following short comings:</p> <ol style="list-style-type: none"> 1. Dealership was terminated without notice. 2. Police Officers, who collected samples in collaboration with the representatives of the Oil Company, were below the rank of Deputy Superintendent of Police. 3. According to provision of control order/Essential Commodities Act 1955, six samples of Motor Spirit are to be collected from each 	<p>tank/nozzle but, in this case only two samples were collected and no sample was given to the dealer which is contravention to control order/Essential Commodities Act 1955.</p> <ol style="list-style-type: none"> 4. Samples were collected in plastic containers in place of aluminium/glass containers. 5. In first instance of adulteration, punishment is fine of Rs. 1 lakh along with suspension of sale and supply for 45 days. In second instance of adulteration, license is terminated. <p>Thus, here the search and seizure was bad in law and in contravention of the mandatory provisions of Essential Commodities Act 1955. Court came to the conclusion that dealership was terminated on irrelevant and non-existent causes and thus, set aside Bharat Petroleum Pvt. Ltd. order of terminating dealership of the appellant.</p>

Source: www.indiankanoon.org/doc/19098275/

Case study 2

A sample of petrol and diesel were taken from a petrol pump and were sent to Forensic Science Laboratory. The diesel sample was found adulterated with kerosene and FIR was lodged by the Supply Inspector under sections 3/7 Essential Commodity Act and Sections 406, 417, 419, 420 of IPC. Petitioner filed writ petition in High Court of UP and the learned counsel alleged to what extent was the diesel sample found adulterated and that the exact quantity of adulteration was not given. So, the lodged FIR should be quashed. Defense Counsel put up the fact that kerosene, diesel and petrol are transported from the same pipeline and the chances of the presence of kerosene in diesel could be due to it. Court studied the various parameters of BIS and control orders. Learned Counsel put up the argument that density is the only parameter for checking adulteration but, this was rejected by the court saying that other parameters mentioned in BIS are also required. Since density can be manipulated by addition of one or more adulterants, Court held that being a law, the provision of control orders cannot be altered or amended or varied by means of administrative or executive instructions.

The state government has issued directions for not lodging FIR under sections 3/7 Essential Commodity Act against traders and businessmen and withdrawal of prosecution cases.

Thus, the FIR lodged in this case may be quashed but, the plea was rejected. Petitioner requested for re-examination of diesel sample found adulterated by the Forensic Science Laboratory as there is a provision in Food Adulteration Act but, the plea was not accepted as there is no provision in control order.

According to control order, adulteration means the introduction of any foreign substance into motor spirit or high speed diesel illegally or unauthorizedly with the result that the product does not conform to the requirements of the Bureau of Indian Standards specification no. IS 2796 and IS 1460 for motor spirit and high speed diesel, respectively or any other requirement notified by the Central Government from time to time. In the present case, sample of diesel was adulterated with kerosene and the exact quantity of kerosene is not the requirement of control order but, mere detection of adulterant is sufficient. If kerosene is mixed with diesel, it may amount to breach of provision of kerosene (restriction on use and fixation of ceiling price) Order, 1993 and selling of diesel mixed with kerosene also amounts to cheating, which is punishable under section 420 IPC. Report of analysis shows that diesel has been mixed with kerosene. The petitioner has therefore committed breach of control order as well as offence under section 420 IPC.

Source: www.indiankanoon.org/doc/80120/

References

1. *Essential Commodities Act 1955*, Delhi, 2005.
2. Marketing Discipline Guidelines for RO/SKO Dealerships of Public Sector Marketing Companies, 2013.
3. Ministry of Petroleum and Natural Gas order GSR 729(E), Controller of Publications, Delhi, 19 December, 2005.
4. Ministry of Petroleum and Natural Gas order GSR 518(E), Controller of Publications, Delhi, 5 June, 2000.
5. Ministry of Petroleum and Natural Gas order GSR 584(E), Controller of Publications, Delhi, 1993.
6. Ministry of Law and Justice order dated 14 January, 2010 The Legal Metrology Act, 2009 (No. 1 of 2010), Controller of Publications, Delhi.