

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1303 of 1999

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M/S Bihar Petroleum Dealers Association through Amit Mukherjee, Honorary Secretary of the Petroleum Dealers Association, S.P. Verma Road, Patna.

.... Petitioner/s

Versus

Union of India through Secretary, Ministry of Petroleum and Natural Gas Commission, Govt. of India, Shastri Bhawan, New Delhi.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. Ravindra Kr. Sharma, (CGC)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 23-02-2015

No one appears on behalf of the petitioner.

The counsel for the Union of India is present.

In the present case, the petitioner is an association, has challenged the Marketing Discipline Guidelines (Annexure-2) claiming to be contrary to the Motor Spirit and High Speed Diesel (Prevention of Mal Practices in Supply and Distribution) Order, 1990, as it appears that the Government of India in exercise of power under section 3 of the Essential Commodities Act has issued a Control Order in the name and style of Motor Spirit and High Speed Diesel (Prevention of Mal Practices in Supply and Distribution) Order, 1990 in which there are provisions, in what manner mal practices such as adulteration of the petroleum product can be controlled and regulated, later on, another Circular was issued providing the guidelines to maintain the quality and quantity of the petroleum product which is under challenged before this Court.

Claim has been made that when already guidelines has been provided under the Control Order for maintaining and regulating the quality and quantity of the petroleum product and another method i.e. flash point check

providing for checking the purity of product is unconstitutional and ultra virus and claimed that the Circular providing an extra modality for regulating the Quality Control is required to be interfered.

The Union of India has submitted that the guidelines provided by Annexure-2 is not in any way de hors to the provisions of the Control Order as the Circular provides the extra guidelines for maintaining the quality of the petroleum product for the purposes of convenience and beneficence to the public.

As no one is coming forward for the petitioner to press this application, this Court does not find any error in the guidelines regulating the Quality Control of petroleum is in any way said to be illegal and de hors to the provisions of the Control Order.

Accordingly, this petition is dismissed.

(Shivaji Pandey, J)

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