

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

954 WRIT PETITION NO. 1415 OF 2022

NILESHWARI ENTERPRISES THROUGH ITS PROPRIETOR
INDRASINGH GULABSING WASAVE
VERSUS
LD. COLLECTOR NANDURBAR AND OTHERS

...

Advocate for Petitioner : Mr. D.S. Bagul
AGP for Respondents: Mr. S.P. Tiwari

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**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 10th MARCH, 2022

PER COURT :-

1. We have heard learned counsel for the parties.
2. The affidavit is filed by Tahsildar, Akkalkuwa. The paragraph Nos. 13 and 14 of said affidavit reads thus :

“13. I further say and submit that, the State Level Coordinator - Oil Industry, Maharashtra submitted test report of samples on 17-02-2022 which was received by the Respondent on 24-02-2022. I further say and submit that according to the said report “the sample fails to meet the requirements of Bio Diesel B6-B20 and fails to meet the requirements of Automotive Diesel Fuel” The copy of said report is annexed hereto and marked as Exhibit R-5.

14. I say and submit that, as the test reports of samples was found negative therefore the procedure for release the said tanker was carrying out by the respondent authority. I further say and submit that as soon as the procedure gets to be completed, the said tanker shall be released.”

3. As the sample fails to meet the requirements of Bio Diesel B6-B20 and fails to meet the requirements of Automotive Diesel Fuel, the respondent authority now shall take steps for releasing the vehicle of the petitioner along with the products.

4. The respondent authority shall release the vehicle of the petitioner along with products as may be permissible immediately within a period of seven(07) days from today.

5. The authorities can certainly perform their duties in accordance with law but should not take law in their own hands. Respondents shall be cautious while taking conceive action and convince themselves before resorting to coercive action.

6. Writ Petition is disposed of. No costs.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE