



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**



S.B. Civil Writ Petition No. 6796/2025

M/s. My Own Eco Energy Private Limited, a Company Registered Under the provisions of the Companies Act, 1956 having its Registered Office at 4th Floor, A-1, 444, Shah and Nahar Industrial Estate, Sitaram Jadhav Marg, Near Dhanraj Estate, Lower Parel, West, Mumbai, Maharashtra 400013, India, through its Legal Executive Adil Khan S/o Iqbal Khan, Aged About 31 Years.

-----Petitioner

Versus

1. Union of India, through Secretary, Ministry Of Consumer Affairs, Food And Public Distribution, Krishi Bhawan, New Delhi - 110001.
2. Principal Secretary to the Government of Rajasthan, Department Of Consumer Affairs, Food and Civil Supplies, Secretariat Jaipur.
3. Principal Secretary to the Government Of Rajasthan, Department of Home Affairs, Secretariat, Jaipur.
4. District Supply Officer, Collectorate, Jodhpur, Rajasthan.
5. Deputy Commissioner Of Police (West), Police Commissionerate, Jodhpur.

-----Respondents

Connected with

S.B. Civil Writ Petition No. 1031/2025

M/s. Shri Bhuriya Baba Fuels, Through its Proprietor Dinesh Jakhar S/o Shri Shrawan Kumar Jakhar, Aged About 32 Years, R/o Plot No. 42-43, Khasra No. 107, Ekta Nagar, Nandri, Jodhpur, Rajasthan.

-----Petitioner

Versus

1. Union of India, through Secretary, Ministry Of Consumer Affairs, Food And Public Distribution, Krishi Bhawan, New Delhi -110001.



2. Principal Secretary to the Government Of Rajasthan, Department Of Consumer Affairs, Food and Civil Supplies, Secretariat, Jaipur.
3. Principal Secretary to the Government Of Rajasthan, Department Of Home Affairs, Secretariat, Jaipur.
4. District Supply Officer, Collectorate, Nagaur, Rajasthan.
5. Enforcement Inspector (Prosecution), District Supply Office, Nagaur.
6. Additional District Collector, Nagaur.

----Respondents

For Petitioner in CW No.6796/2025	:	Ms. Simran Mehta, Adv. With Mr. Falgun Buch, Adv. Mr. gopal Krishna Chhangani, Adv.
For Petitioner in CW No.1031/2025	:	Mr.Suniel Purohit, Adv.
For Respondent(s)	:	Mr.Nitesh Mathur, AGC

HON'BLE MR. JUSTICE MUNNURI LAXMAN

Reportable

Judgment

Judgment Reserved on : 28/05/2025

Judgment Pronounced on : 04/07/2025

1. This order disposes of S.B. Civil Writ Petition No. 6796/2025 and S.B. Civil Writ Petition No.1031/2025.

2. The reliefs sought in S.B. Civil Writ Petition No.6796/2025 are as follows:

- i) By an appropriate writ, order or direction, the provisions of the Motor Spirit and High-Speed diesel (Regulation of Supply, Distribution and Prevention of Malpractices) Order, 2005 with its subsequent amendments, are not applicable upon the Indizel which is a Drop in bio-fuel and further, the respondent authorities be restrained to take any coercive action against the petitioner firm and permit the petitioner firm to continue with its business of Drop in bio-fuel as a retail outlet dealer.
- ii) Any other appropriate order or direction which this Hon'ble Court may deem fit just and proper in the facts



and circumstances of the case may kindly be passed in favour of the petitioner.

- iii) Costs of the writ petition may kindly be awarded to the petitioner.

3. The reliefs sought in S.B.Civil Writ Petition No.1031/2025 are as follows:

- i) By an appropriate writ, order or direction, the provisions of the Motor Spirit and High-Speed diesel (Regulation of Supply, Distribution and Prevention of Malpractices) Order, 2005 with its subsequent amendments, are not applicable upon the Indizel which is a Drop in bio-fuel and further, the respondent authorities be restrained to take any coercive action against the petitioner firm and permit the petitioner firm to continue with its business of Drop in bio-fuel as a retail outlet dealer.
- ii) By appropriate writ, order of direction, the impugned order dated 30.12.2024 (Annex-17) passed by the learned Additional District Collector, Nagaur may kindly be declared illegal and be quashed and set aside and any proceeding initiated consequently thereto may also be declared non-est.
- iii) Any other appropriate order or direction which this Hon'ble Court may deem fit just and proper in the facts and circumstances of the case may kindly be passed in favour of the petitioner.
- iii) Costs of the writ petition may kindly be awarded to the petitioner.

4. For the sake of brevity, the facts stated in S.B. Civil Writ Petition No. 6796/2025 (M/s. My Own Eco Energy Private Limited vs. Union of India & Ors.) are adopted for the disposal of both writ petitions. The petitioner-Company is engaged in the manufacturing, distribution, marketing, and retail of *Indizel*, which is India's first Euro 6-compliant drop-in bio-fuel. This industry was established pursuant to the National Policy on Bio-fuels of 2018. *Indizel*, a drop-in bio-fuel, is a non-fossil fuel. The petitioner-Company is the largest manufacturer of drop-in fuel in India and





is planning to market it through multiple fuel stations across the country.

5. The petitioner in S.B. Civil Writ Petition No. 1031/2025 is a Firm engaged in selling drop-in fuel by establishing retail outlets for the sale of the drop-in fuel manufactured by the petitioner-Company.

6. The primary claim of the petitioner-Company is that drop-in fuel, which is a non-bituminous fuel, is not an essential commodity as notified under the Essential Commodities Act. Therefore, the provisions of the Motor Spirit and High Speed Diesel (Regulation of Supply, Distribution and Prevention of Malpractices) Order, 2005 (*hereinafter referred to as "the Control Order, 2005"*), which was promulgated by the Central Government by invoking powers under Section 3 of the Essential Commodities Act, 1955, are inapplicable to the drop-in fuel manufactured by the petitioner-Company.

7. Further, the case of the petitioner-Company is that, as per the definition contained in the Petroleum and Natural Gas Rules, 1959, framed by exercising powers under Sections 5 and 6 of the Oilfields (Regulation and Development) Act, 1948, "petroleum" has been defined in a manner that does not include drop-in fuel. Hence, drop-in fuel cannot be considered a petroleum product so as to attract the application of the Control Order, 2005.

8. On this premise, the petitioners in both writ petitions have challenged the confiscation order passed by the Additional Collector in respect of the seizure of drop-in fuel and the conveyance (i.e., vehicle), on the ground that the Control Order, 2005 is inapplicable to the fuel manufactured by the petitioner-





Company, which is not an essential commodity so as to justify invoking the powers under Section 6(A) of the Essential Commodities Act, 1955 for confiscation. The petitioner has also challenged the seizure of drop-in fuel manufactured by the petitioner-Company solely on this ground.

9. The petitioners have relied upon various orders passed by this Court, particularly by the Jaipur Bench, under which a prohibitory order issued by the State of Rajasthan dated 18.02.2018 was set aside. This prohibitory order restrained the sale of bio-diesel through pumps as direct sale, relying upon an earlier order dated 10.04.2017, which has now become redundant by virtue of the amendment to Regulation 6A of the Control Order, 2005. The amendment empowers the Central Government to permit the direct sale of bio-diesel for blending with High Speed Diesel to all consumers, as per the limits and standards prescribed by the Bureau of Indian Standards.

10. The petitioners also relied upon the decision of the Bombay High Court, where similar actions by the authorities within the jurisdiction of Maharashtra were challenged before the Court. An interim order was passed by the Bombay High Court restraining the authorities from taking any coercive action against the petitioner therein and its sale of drop-in fuel.

11. The case of the respondents-Authorities is that drop-in fuel is an essential commodity, and the Central Government, by exercising powers under Section 3 of the Essential Commodities Act, has framed the Regulation, 2005, under which the sale of motor spirit or High Speed Diesel is allowed subject to permission granted by the Central Government. The respondents also claim



that drop-in fuel is a hydrocarbon liquid, similar to conventional petroleum products obtained naturally from fossils. The definition of petroleum adopted in the Control Order, 2005 is derived from the Petroleum Act, 1948. All hydrocarbon liquids are defined as petroleum. Although drop-in fuel is obtained from non-fossil sources through various processes, it remains a hydrocarbon liquid/oil. Therefore, it falls under the definition of petroleum and amounts to motor spirit, which is primarily intended to fuel vehicles by blending with conventional petroleum and petroleum products.

12. The respondents also claimed that the question raised in the present writ petitions has not been finally dealt with by the Bombay High Court or the Jaipur Bench of this Court. The challenge in the decision rendered by the Jaipur Bench was not with regard to the applicability of the Control Order, 2005. The challenge there was against general restraining order issued by the State Government prohibiting the direct sale of drop-in fuel, which was contrary to Regulation 6(A) of the Control Order, 2005. Thus, according to the respondents, the decisions have no relevance to the facts at issue in the present writ petitions.

13. Heard the learned counsel for both the parties.

14. The primary argument of the learned counsel appearing for the petitioners in both writ petitions is that drop-in fuel is neither petroleum nor a petroleum product, and it is not an essential commodity so as to attract the provisions of the Essential Commodities Act as well as the Control Order framed thereunder. The submission of the learned counsel for the petitioners is that the definition given under the Petroleum and Natural Gas Rules,



1959 does not include drop-in fuel. Therefore, the seizure and confiscation carried out by the respondents-Authorities under the Control Order, 2005 are without authority, and the orders of seizure and confiscation are without jurisdiction and liable to be set aside.

15. Per contra, the learned counsel appearing for the respondents submitted that drop-in fuel is a hydrocarbon liquid/oil and has a similar chemical nomenclature to that of conventional fuel, although the source of hydrocarbons may be different. He further submitted that the Control Order, 2005 adopted the definition of petroleum from the Petroleum Act, 1934. The definition given under the Petroleum and Natural Gas Rules, 1959, is relevant only in the context of interpreting certain provisions under the Control Order, 2005, but the appropriate definition is the one provided under the Petroleum Act, 1934.

16. The learned counsel for the respondents also submitted that the questions raised in the present writ petitions involve different issues. Such questions were not the subject matter of the writ petitions decided by the Jaipur Bench of this Court, which dealt with a different issue not pertaining to the questions raised in the present writ petitions.

17. It was also submitted that the Control Order comprehends drop-in fuels within the definition of petroleum products, i.e., motor spirit, and the sale of such motor spirit can only be conducted after obtaining the necessary permission from the Central Government. Any sale of such fuel without authorization would amount to a contravention of the Control Order, 2005, thereby inviting seizure and consequential confiscation proceedings.



18. Lastly, it is submitted by the learned counsel for the respondents that, as per the National Policy on bio-fuels, manufacturers of bio-fuel are not permitted under the policy to store, distribute, or sell such products directly. They are entitled to do so only through oil companies. Further, by virtue of the amendment to Regulation 6(A) of the Control Order, 2005, which was introduced in the year 2017, manufacturing companies are entitled to sell such bio-fuels directly to customers for blending, subject to the norms prescribed by the International Organization for Standardization (ISO). Even such sales can only be conducted after obtaining authorization from the Central Government. Any act without authorization attracts the actions contemplated under the Control Order, 2005, as well as the provisions of the Essential Commodities Act. The actions of seizure and confiscation challenged in the present writ petitions cannot be said to be without jurisdiction; and he prayed for dismissal of the writ petitions.

19. I have considered the arguments of both the parties and carefully perused the material available on record.

20. In light of the above contentions of both the petitioners and the respondents, this Court has to consider whether drop-in fuels fall under the category of essential commodities and, if so, whether the Control Order, 2005 is applicable to the fuel manufactured by the petitioner-Company and marketed through various firms as dealers for sale through retail outlets.

21. Section 2A of the Essential Commodities Act is relevant in this regard, which reads hereunder:-

"2A. Essential commodities declaration, etc.—



- (1) For the purposes of this Act, "essential commodity" means a commodity specified in the Schedule.
- (2) Subject to the provisions of sub-section (4), the Central Government may, if it is satisfied that it is necessary so to do in the public interest and for reasons to be specified in the notification published in the Official Gazette, amend the Schedule so as to—
 - (a) add a commodity to the said Schedule;
 - (b) remove any commodity from the said Schedule, in consultation with the State Governments.

21.1 The Schedule to the Act is also relevant, which reads as under:-

THE SCHEDULE
(See section 2A)
ESSENTIAL COMMODITIES

(1) Drugs.

Explanation:- For the purposes of this Schedule, "drugs" has the meaning assigned to it in clause (b) of section 3 of the Drugs and Cosmetics Act, 1940 (23 of 1940):

- (2) fertilizer, whether inorganic, organic or mixed;
- (3) foodstuffs, including edible oilseeds and oils;
- (4) hand yarn made wholly from cotton;
- (5) petroleum and petroleum products;
- (6) raw jute and jute textiles;
- (7) (i) Seeds of food-crops and seeds of fruits and vegetables;
- (ii) Seeds of cattle fodder; and
- (iii) Jute seeds;
- (iv) Cotton seed.

A reading of Section 2A of the Essential Commodities Act it makes clear that any commodity specified in the Schedule is treated as an essential commodity. A perusal of the Schedule shows that petroleum and petroleum products are included as essential commodities. Section 3 of the said Act enables the Central Government, by way of order, to regulate and prohibit the





production, supply, distribution, and trade or commerce in essential commodities. This means that the Central Government derives the power to prohibit the production, supply, distribution, and trade or commerce in essential commodities to ensure their equitable distribution and availability at fair prices, as well as for Defence and Military operations. The Control Order, 2005 was framed by exercising power under Section 3 of the Essential Commodities Act.

22. The primary contention of the learned counsel appearing for the petitioners is that drop-in fuel is neither petroleum nor a petroleum product, and therefore it cannot be treated as an essential commodity so as to attract the regulations framed under the Control Order, 2005. In a nutshell, his argument is that drop-in fuel is not a petroleum product and is not an essential commodity, and hence the Control Order, 2005 does not apply. According to him, any seizure and confiscation carried out under the powers conferred by the Control Order, 2005 or any provisions of the Essential Commodities Act, 1955 are without jurisdiction and such seizure and confiscation should be set aside.

23. In light of these submissions, it is necessary to refer to certain provisions of the Control Order, 2005. Section 2(a), 2(f), 2(g), 2(i), and 2(k) read as follows:

"2.(a) "adulteration" means [presence of marker in motor spirit and high speed diesel and/or] [Inserted by Notification No. G.S.R. 18(E) dated 12.1.2007 (w.e.f. 21.12.2005).] the introduction of any foreign substance into motor spirit or high speed diesel illegally or unauthorisedly with the result that the product does not conform to the requirements of the Bureau of Indian Standards specifications number 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;"

"2(f) "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) unauthorized exchange
- (v) unauthorized purchase,
- (vi) unauthorized sale,
- (vii) unauthorized possession,
- (viii) over-charging,
- (ix) sale of off-specification product, and
- (x) short delivery;"

"2(g) "motor spirit" means any hydrocarbon oil, excluding crude mineral oil, which meets the requirements of Bureau of Indian Standards specification number IS 2796;"

"2(i) "petroleum" shall have the meaning assigned to it in the Petroleum Act, 1934;"

"2(k) "product" means motor spirit and high speed diesel;"

23.1 It is also relevant to refer to definition of 'petroleum' as defined under the Petroleum Act, 1934, which reads as follows:-

"2(a) "petroleum" means any liquid hydrocarbon or mixture of hydrocarbons, and any inflammable mixture (liquid, viscous or solid) containing any liquid hydrocarbon;"

24. A reading of the definition contained in the Petroleum Act shows that "petroleum" means any hydrocarbon in liquid form or a mixture of such hydrocarbons, and any inflammable liquid hydrocarbon. Hydrocarbons are organic compounds made up of only hydrogen and carbon atoms. They are primarily components of fossil fuels, bio-fuels, and many plastics. Hydrocarbons can exist as gases, liquids, solids, or polymers.





25. In the present case, as per the definition of "petroleum" contained in the Petroleum Act, only liquid hydrocarbons, mixtures of such hydrocarbons, and any inflammable liquid hydrocarbons are treated as petroleum.

26. A reading of the definitions of 'petroleum' and 'petroleum products' as contained in the Control Order, 2005 makes it clear that Motor Spirit and High Speed Diesel are products of petroleum. The definition of Motor Spirit specifies that any hydrocarbon oil, excluding crude mineral oil, which meets the requirements of the Bureau of Indian Standards specifications, is considered Motor Spirit. A similar definition is adopted for the term "High Speed Diesel" as contained under Section 2(e) of the Control Order, 2005.

27. Regulations 3, 4, 5 & 6A of the Control Order, 2005 are also relevant in this regard, they are hereunder:-

"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 to be fit by the explosives authorities, transport authorities and oil company to carry the product with accurate calibration as certified by the weights and measures authorities 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 or tank truck which is properly sealed and locked.

(3) The dealer or consumer shall inspect such container or tank-truck in which he receives the product to ensure,-

(a) that the container or tank truck, including the seal and lock is not in any manner tampered with;

(b) that the quantity and quality of the product is as per delivery documents issued by the oil company and the quality of the product conforms to the





requirements of the Bureau of Indian Standard specifications number IS 2796 and IS 1460 for motor spirit and high speed diesel respectively. For this purpose, the oil company shall indicate density of the product at 15 degrees centigrade in the delivery documents and the dealer or consumer shall maintain a record of densities and keep samples of product duly signed jointly by him and the driver of tank truck and also take other measures as prescribed by the oil company. The variation in density at 15 degrees centigrade of the product in tank truck compared to the density mentioned in delivery documents should not be more than ± 0.0030 ;

(4) No person other than the dealer or oil company shall be engaged in the business of selling product;

(5) No person shall sell or agree to sell any petroleum product or its mixture other than motor spirit or high speed diesel or any other fuel authorized by the Central Government in any form, under any name, brand or nomenclature, which can be and is meant to be used as fuel in any type of automobile vehicles fitted with spark ignition engines or compression ignition engines;

(6) No dealer, transporter, consumer or any other person shall indulge in any manner in any one or more of the malpractices.

(7) The delivery or sale of motor spirit and high speed diesel shall be made by a dealer of oil company only from authorized retail pump outlet;"

"4. Restriction on marketing of motor spirit and high speed diesel.- No person, other than those authorized by the Central Government, shall market and sell motor spirit or high-speed diesel to consumers or dealers."

"5. Grant of authorization to market motor spirit and high speed diesel.-

(1) Whosoever desires to secure authorisation to market and sell motor spirit and high speed diesel, shall submit an application to the Central Government in the application form given in Schedule II alongwith the fee specified therein either by cheque or demand draft in favour of the Pay and Accounts Officer, Ministry of Petroleum and Natural Gas, payable at New Delhi.

(2) After scrutiny of the application form referred to in sub-clause (1), the Central Government may, if it is satisfied with the details furnished by the applicant, after requiring the applicant to furnish bank guarantee and other payments as specified by it, issue authorisation to market motor spirit and high speed diesel indicating the terms and conditions of such authorisation.





(3) The Central Government, if is satisfied that any of the conditions relating to the authorization as specified in clause have been violated, may cancel the authorization issued under this clause: Provided that before cancellation of the authorization shall be afforded an opportunity of being heard."

"6A. [Substituted by Notification No. G.S.R. 728(E), dated 29.6.2017 (w.e.f. 21.12.2005).]

(1) The Central Government may permit the direct sale of bio-diesel (B-100) for blending with high speed diesel to all consumers, in accordance with the specified blending limits and the standards specified by the Bureau of Indian Standards.

(2) The owner of every outlet selling bio-diesel (B-100) shall prominently display at the place of business the permissible limits specified by the manufacturers of vehicles and the standards specified by the Bureau of Indian Standards for blending of bio-diesel (B-100) for use of consumers in their vehicles.Explanation. - For the purposes of this clause, "oil company" means the Indian Oil Corporation Limited, the Hindustan Petroleum Corporation Limited, the Bharat Petroleum Corporation Limited, any private bio-diesel manufacturers, the authorized dealer of such oil companies and joint ventures of public sector oil marketing companies authorised by the Central Government.]"

27.1 Sub-sections (4) and (5) of Regulation 3 make it clear that a dealer of an oil company shall only be engaged in the business of selling petroleum products, and no person shall sell or agree to sell any petroleum product other than motor spirit, high-speed diesel, or any other fuel authorized by the Central Government in any form, under any name, brand, or nomenclature, which can be and is meant to be used as fuel in any type of automobile fitted with spark ignition or compression ignition engines.

27.2 Regulation 4 also makes it clear that only persons authorized by the Central Government shall market and sell motor spirit or high-speed diesel to consumers. Regulation 5 prescribes

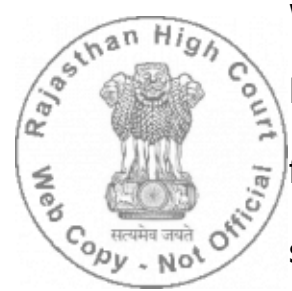




the steps to secure authorization to market and sell motor spirit. Regulation 6A, as amended in 2017, enables manufacturers to sell bio-diesel directly to all consumers for the purpose of blending within the prescribed limits and by meeting the standards of the Bureau of Indian Standards. Drop-in fuels are liquid fuels sourced from biomass or other reliable sources that can be used as direct substitutes for conventional petroleum-based fuels like gasoline and diesel, without requiring any modifications to existing engines or fuel infrastructure.

27.3 The National Policy on bio-fuels, when read along with the amended Policy, indicates that the primary responsibility for storage, distribution, and sale of bio-fuels manufactured under the National Policy was with Oil Companies and manufacturers were not authorized for direct sale. However, the amended provision contained in Regulation 6A of the Control Order, 2005 relaxed the rigour of the original policy on bio-diesel to some extent by permitting manufacturers to sell their products directly to all consumers, subject to obtaining authorization from the Central Government and complying with the standards prescribed by the Bureau of Indian Standards.

28. A conjoint reading of the definitions of "Products," "Motor Spirit," and "High Speed Diesel" as defined under the Petroleum Act and the Control Order, 2005, show that bio-diesel cannot be said to be non-essential commodity. Drop-in fuel, which is a biofuel, also contains hydrocarbons in liquid form and shares similar properties with petroleum and petroleum products, which are conventional in nature. Both have similar compositions of organic compounds but differ in the percentage of carbon content.





Conventional petroleum and petroleum products used as motor spirit have higher carbon emissions compared to man-made biofuels, such as drop-in fuel.

29. After considering the above provisions of the Essential Commodities Act, the Control Order, 2005, and the Petroleum Act, 1934, it cannot be said that drop-in fuel is not petroleum or a petroleum product. Both conventional fuels and non-conventional fuels like drop-in fuel contain organic compounds made up of hydrogen and carbon. Drop-in fuels also fall within the definition of petroleum and petroleum products as defined under the Petroleum Act and the Control Order, 2005.

30. The argument of the learned counsel appearing for the petitioners, based on the definition of petroleum as provided under the Petroleum and Natural Gas Rules, 1959, is not much helpful because the definition adopted under those Rules was not adopted in the Control Order, 2005. On the contrary, the definition adopted in the Petroleum Act was incorporated into the Control Order, 2005. According to the Petroleum Act, it is clear that all liquids hydrocarbons are treated as petroleum or petroleum products. The definitions of Motor Spirit and High Speed Diesel also make it clear that hydrocarbon oil, excluding mineral oil, is treated as Motor Spirit. Indisputably, drop-in fuels are hydrocarbon oils. However, the source of extraction is different. The classification is based on the chemical composition of hydrocarbons, not on the source from which such hydrocarbon compounds are derived. Thus, the argument of the learned counsel for the petitioners that drop-in fuel is not an essential





commodity and is not required to comply with the provisions of the Control Order, 2005, has no merit and is hereby rejected.

31. Section 2(q) of the Control Order, 2005 defines "unauthorized sale" as any sale of a product by a dealer, consumer, or any other person in contravention of the directions issued by the State Government or the Oil Companies, or in contravention of any provision of this Order. Such sale is treated as unauthorized. The sale of Motor Spirit, as per Regulations 4 and 5, can only be carried out after obtaining appropriate authorization from the Central Government.

32. Regulation 2(a), which defines adulteration, includes motor spirit and high-speed diesel that do not conform to the requirements of the Bureau of Indian Standards for motor spirit and high-speed diesel, respectively, or any other requirement notified by the Central Government. In the present case, the drop-in fuel, which is a bio-diesel, may be used for blending with conventional petroleum products. However, the percentage of the mixture must conform to the requirements notified by the Central Government from time to time and, at least, it must comply with the Bureau of Indian Standards specifications. If such compliance is absent, it would amount to adulteration.

33. Regulation 2(f) also defines situations where acts of omission and commission in respect of motor spirit and high-speed diesel amount to malpractices. The cases of adulteration, unauthorized sale, unauthorized purchase, and unauthorized possession would also constitute malpractices.

34. In the present case, the petitioner-Company does not hold a license to sell directly to consumers, and its action of selling





drop-in fuel directly to consumers through retail outlets amounts to non-compliance with Regulations 3, 4, and 5 of the Control Order, 2005. Any action in violation of the Control Order enables the authorities to take action of seizure and consequential confiscation by the competent authority. The facts in the present case show that the competent authority under the Essential Commodities Act found that the sale of drop-in fuel by the petitioner-Company, through its dealers directly, was in violation of the Control Order and therefore impermissible. Such action rightly resulted in the assumption of jurisdiction by the competent authority to seize essential commodities and initiate proceedings under Section 6A of the Essential Commodities Act, 1955, and such action cannot be said to be an act without jurisdiction.

35. The impugned confiscation proceedings clearly reflect that the authorities found the drop-in fuels did not meet the prescribed criteria and suspected adulteration. On that premise only, the proceedings were initiated by seizure of such commodities, and such action cannot be said to be without jurisdiction. Therefore, the challenge to the seizure and confiscation proceedings requires no interference in light of the undisputed facts on record.

36. The orders relied upon by the learned counsel for the petitioners, particularly the orders of the Jaipur Bench of this Court, dealt with the question of the State Government's action in prohibiting the direct sale of drop-in fuel through pumps, based on the order dated 10.04.2017. The general prohibitory orders issued by the State Government were found to be contrary to the amended provisions of Regulation 6A of the Control Order, 2005.





37. The issue in the present case is different, and it is not the case of the respondents that direct sale cannot be done. Direct sale of drop-in fuel can only be carried out after obtaining authorization from the Central Government, as required under Regulations 4 and 5 of the Control Order, 2005. The issue in the present case is whether drop-in fuel is an essential commodity, which was not the subject matter of the decision relied upon by the learned counsel for the petitioners. The reliance placed on the interim order of the Bombay High Court is also not helpful to the petitioners, as that Court did not decide that drop-in fuel is not an essential commodity. What was stated was by way of an interim order and not a final order. There was no finding by the Court that drop-in fuel is not a hydrocarbon, nor that it cannot be construed as an essential commodity regulated under the Control Order, 2005.

38. For the reasons stated herein before, this Court finds that the writ petitions are misconceived and they are liable to be dismissed.

39. In the result, both the writ petitions are dismissed.

40. In the circumstances, no order as to costs.

41. Pending interlocutory applications, if any, shall stand disposed of.

(MUNNURI LAXMAN),J

NK/-