

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8944 of 2013

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Gajendra Pd. Singh, S/o Gupteshwar Singh, R/o Village- Lakhibagh, P.S.-
Buniyadganj, District- Gaya

.... Petitioner

Versus

1. Indian Oil Corporation through its Chairman
2. Indian Oil Corporation, Barauni Refinery Ltd., through its General Manager
3. Hindustan Petroleum Marketing Division, Maurya Lok, Dak Bunglow Road, Patna
4. Bharat Petroleum Marketing Division, Maurya Lok, Dak Bunglow Road, Patna
5. Union of India through Secretary Ministry of Petroleum, Govt. of India
6. State of Bihar through The Chief Secretary
7. Commissioner, Commercial Taxes, Bihar
8. State Of Jharkhand through The Chief Secretary, Ranchi
9. The Commissioner of Commercial Taxes, State Jharkhand, Ranchi

.... Respondents

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Appearance :

For the Petitioner	:	Shri Chitranjan Sinha, Sr. Adv. Shri Anirban Kundu, Adv.
For the Respondents	:	Shri J.P. Karn, A.A.G. 4 Shri Anil Kumar Sinha, Adv. Shri Dhruba Mukherjee, Sr. Adv. Shri Rajeev Prakash, Adv. Shri S.N. Pathak, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 19-01-2015

This writ petition is filed as a Public Interest Litigation with a prayer to direct the respondents not to act on the notification dated 16.1.2003, issued by the Government of India, Ministry of Petroleum and Natural Gas. Further, direction is sought to direct the respondents to produce the mechanism for fixation of price of petroleum marketed in the State of Bihar and the State of Jharkhand.

Heard Shri Chitranjan Sinha, Sr. Advocate for the petitioner, and Shri J.P. Karn and Shri Dhruba Mukherjee, Sr. Advocates for the respondents.

The petitioner did not challenge the notification dated 16.1.2003 as such. He wants this Court to restrain the respondent from acting upon it. As long as the notification is in force, the authorities mentioned therein cannot be prevented or restrained from enforcing the same. Secondly, the price fixation is not a constant issue. Rather it keeps on changing from time to time. Further, this Court cannot at all undertake the activity of the fixation of price for petroleum products. The interference in this behalf can be only in rare cases where the policy is stated to have been

formulated, just to benefit an identified section of persons. No such grounds are urged in this writ petition.

The writ petition is dismissed.

(L. Narasimha Reddy,CJ)

(Gopal Prasad, J)

K.C.jha/-

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