

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.16096 of 2012
Date of decision:20.01.2017**

Harpreet Bajwa

... Petitioner

Vs.

Union of India and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sanjiv Gupta, Advocate, for the petitioner.

Mr. Ashish Kapoor, Advocate, for respondent No.2.

Mr. Yatinder Sharma, Addl.A.G.Punjab.

AMIT RAWAL J. (Oral)

The grievance of the petitioner in the present writ petition is for directing the respondents to abide by the Indian Road Congress Regulations of the year 2009 while granting 'No Objection Certificate' under Petroleum Act, 1934 for installation of a new Petrol Pump by the grant of licence by Indian Oil Corporation in the site in question on the premise that the petitioner is already a sole proprietor of M/s D.I.G.J.S.Bajwa Filling Station, dealer of Bharat Petroleum Corporation Limited. The grant of the licence for installation of Petrol Pumps are governed by the provisions of Petroleum Act, 1934 and Amendment Rules 2005. No objection has to be taken under Section 144 of the Act.

Mr. Sanjiv Gupta, learned counsel appearing on behalf of the petitioner has drawn the attention of this Court to the memos dated

19.07.2012 (Annexures R-1/T) and 15.11.2012 (R-2/T) annexed with the affidavit of Barjinder Singh, PCS, Sub Divisional Magistrate, Dasuya District Hoshiarpur, whereby, 'No Objection Certificate' has been issued by the District Town Planner, Hoshiarpur, vide memo dated 19.07.2012 but the same has been cancelled, vide memo dated 15.11.2012 on the premise that area falls in PUDA approved colony "Swastik Vihar. He further submits that in view of the aforementioned fact, the writ petition is required to be allowed.

Per contra, Mr. Ashish Kapoor, learned counsel appearing on behalf of respondent No.2 submits that the competitor has no locus standi to file the writ petition. In support of his contention, he has drawn the attention of this Court to the judgment dated 17.03.2011 passed in LPA No.516 of 2011, Annexure R-2/2 and affidavit dated 10.12.2012 filed by the District Town Planner Hoshiarpur which reads as under:-

"Short submission on behalf of defendant No.3 and 6 by way of affidavit of Sh. Inderjit Singh, District Town Planner, Hoshiarpur.

1. That initially, vide letter No.1074 – DTP(H)/P-25 dated 19.07.2012 annexed as R-3-1 the No Objection Certificate was recommended by District Town Planner, Hoshiarpur. However when subsequently it was transpired that the Petrol Pump site for which NOC was issued falls within the PUDA approved colony, namely Swastik Vihar, Dasuya Distt. Hoshiarpur. The answering respondent duly revoked the NOC as recommended

earlier. The copy of the order letter No.1590-DTP(H)/P-25 dated 15.11.2012 Annexed as R-3-2.

2. That the final No Objection Certificate is to be granted by the respondent No.4.”

He further submits that final 'No objection Certificate' is to be granted by the District Magistrate and the matter is still pending, therefore, the writ petition is wholly premature.

The aforementioned arguments have been accepted by Mr. Yatinder Sharma, learned Additional Advocate General, Punjab.

Keeping in view the aforementioned, the matter is pending before respondent No.4 - District Collector-cum-Deputy Commissioner, Hoshiarpur and without commenting upon the merits and de-merits of the matter, much less, locus standi, at this stage, I deem it appropriate to dispose of the writ petition with a direction to respondent No.4 to take a final call and consider the representations already filed, vide Annexures P-3 and P-4 within some specified period preferably within a period of three months from the date of receipt of a certified copy of this order.

The writ petition stands disposed of, in the aforementioned terms.

(AMIT RAWAL)

JUDGE

January 20, 2017

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Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No