

In the High Court of Punjab and Haryana, at Chandigarh

Letters Patent Appeal No. 1316 of 2016 (O&M)

Date of Decision: 24.01.2017

Shashi Pal Garg

... Appellant(s)

Versus

Hindustan Petroleum Corporation Limited and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Mahesh Grover.
Hon'ble Mr. Justice Shekher Dhawan.**

Present: Mr. Kulwant Singh Boparai, Advocate
for the appellant.

Mahesh Grover, J.

The learned Single Judge, while disposing of the writ petition, noticed that the retail outlet could not be given to the writ petitioner since the Corporation has formed an opinion that installation of new outlet on Payal-Rara Road is totally unprofitable in view of three outlets having mushroomed within the area of 10 Kms. during the pendency of the writ petition.

Before us, while impugning the said order, learned counsel for the appellant contended that the appellant is willing to invest in the machinery etc. which will absolve the company of large financial implications, which probably seems to be the reason for not granting the outlet to the appellant. He further contended that two retail outlets came up in the vicinity of the area where the appellant was to set up the retail outlet during the pendency of writ petition which should not prejudice his case,

particularly when the appellant is willing to risk the investment.

We had issued notice of motion to the respondents in view of what had been contended before us. But the Corporation has chosen not to appear despite the service.

Since this is the matter which has to be resolved by the appellant and the Corporation in view of the contentions raised by the appellant as also the opinion formed by the Corporation about the non-profitability of the venture, we would not like to comment on the stands taken by the contesting parties and thus, deem it appropriate to dispose of the appeal with liberty to the appellant to approach the Corporation with the plea that he has raised herein in which eventuality, the Corporation shall take decision in the given set of circumstances as expeditiously as possible.

(Mahesh Grover)
Judge

(Shekher Dhawan)
Judge

January 24, 2017

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No