

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

CWP-(PIL)-5509-2015 (O&M)
Date of decision:- 14.11.2018

Charan Singh Arora

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

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

Mr. Vivek Chauhan, Advocate,
for respondent No. 1.

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

Mr. Raman Sharma, Advocate,
for respondents No. 3 and 4.

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KRISHNA MURARI, C.J. (ORAL)

We have heard learned counsel for the parties.

This petition in the nature of Public Interest Litigation has been filed claiming the following relief:-

Issue a writ in the nature of mandamus directing the respondents to ensure the supply of petroleum products to the general public at large at standard reference temperature at the rates fixed by the Government of India at 15 degree temperature while adhering to the Motor Spirit and High Speed Diesel (Regulation of Supply, Distribution and Prevention of Malpractices) Order, 2005 (in short Order, 2005).

2. It is alleged that the provisions of Order, 2005 since prescribe supply of petroleum products to the general public at standard reference temperature which is specified as

15 degree, the oil companies are under legal obligation to supply the petroleum products at the said temperature.

3. At this stage, it may be relevant to quote clause 3(b) of Order, 2005, which reads as under:-

"(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. A perusal of the aforesaid provision clearly goes to show that what is required to be done by the oil companies is to indicate density of the product being supplied by them at 15 degree centigrade in the delivery documents and the dealer is to maintain a record of densities and keep samples of product duly signed jointly by him and the driver of tank truck and take other measures as prescribed by the oil company. We do not find either in the above quoted provision or in any provision of Order, 2005 that oil companies are under an obligation to supply the petroleum products at 15 degree temperature. The petition is based on misconception and the prayer is totally mis-conceived and there being no requirement

temperature as prayed for therein, the prayer is not liable to be granted.

5. The petition accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

14.11.2018
Amodh

whether speaking/reasoned	Yes/No
whether reportable	Yes/No