

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

CWP-1565-2020 (O&M)

Date of decision:- 21.01.2020

Ajay Kumar

...Petitioner

Versus

Indian Oil Bhawan through Chief Managing Director,
Northern Region, Regional Office 1, Shri Aurobindo Marg
Yusuf Sarai, New Delhi - 110016 and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Ravi Chadda, Advocate,
for the petitioner.

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RAVI SHANKER JHA, C.J. (ORAL)

This petition has been filed by the petitioner praying for quashing the advertisement dated 25.11.2018 issued by the official respondents for establishing retail outlets in Jalandhar-Hoshiarpur region.

Having heard learned counsel for the petitioner, it is observed that the advertisement was issued on 25.11.2018. The claim regarding violation of the guidelines relating to distance between outlets was made by the petitioner in his complaint dated 13.12.2018. The authorities after considering the complaint rejected the same by an order dated 17.12.2018 stating that the site was within the parameters mentioned in the guidelines. It is also evident that pursuant to the advertisement, a Letter of Intent (LoI) was issued by the authorities on 22.02.2019 to respondent No. 4. Record of the case indicates that the petitioner had filed a writ petition being CWP-25049-2019 before this Court which was dismissed as withdrawn on 13.11.2019 with liberty to file a fresh petition. Pursuant to withdrawal of the writ petition, the petitioner has now filed the present petition assailing the advertisement on the ground that the authorities have sought to establish the

retail outlets just within 1.5 kms of KM Stone No. 31 on State Highway 24 Hoshiarpur to Dasuya and, therefore, the same is not in consonance with the guidelines issued by the Ministry of Petroleum.

From a perusal of the record and the facts stated above, it is evident that though the petitioner has assailed the advertisement that too after a long period of more than 1 ½ years, he in his wisdom has not challenged the order passed by the authorities on 17.12.2018 rejecting his complaint regarding violation of the guidelines. The said opinion based on the facts mentioned by the authorities in the order dated 17.12.2018 has attained finality in the absence of any challenge to the same.

Quite apart from the above, it is also evident that pursuant to the advertisement, respondent No. 4 has already been issued the LoI on 22.02.2019 which has also not been challenged by the petitioner in the present writ petition.

In view of the aforesaid facts and circumstances of the case, we are of the considered opinion that the petition filed by the petitioner is absolutely mis-conceived, apart from the fact that it has been filed after considerable unexplained delay which has resulted in creation of third party rights.

In the circumstances, the petition filed by the petitioner being meritless is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

21.01.2020
Amodh

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