

\$~5.

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

%

Decided on: 14th October, 2020

+ **W.P.(C) 7900/2020**

**EMPOWERING PETROLEUM
DEALERS FOUNDATION**

..... Petitioner

Through: Mr. Deeptakriti Verma, Adv.

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Somiran Sharma, Adv. for R-10.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

JUDGMENT

: **D.N.Patel, Chief Justice (Oral)**

Proceedings in the matter have been conducted through video conferencing.

C.M.No.25885/2020 (for dim annexures etc.)

Allowed, subject to all just exceptions.

The application is disposed of.

W.P.(C) No.7900/2020 & C.M.No.25884/2020(interim relief)

1. This petition, styled as a public interest litigation, has been preferred with the following prayers:-

“(i) Issue a writ of mandamus or any other similar writ or order directing the Official Respondent to take action qua

W.P.(C) 7900/2020

Page 1 of 4

the instances of breach of provisions of the (i) Petroleum Act and Rules, (ii) the Essential Commodities Act and 2005 order, and (iii) Legal metrology Act and Rules framed thereunder, through illegal bowser operations of private companies/entities and dealers, brought to their notice from time to time by the Petitioner's Directors through their emails, tweets and other communications;

- (ii) issue a writ of mandamus or any other similar writ or order quashing the (*illegal*) Form XIX licenses issued by Respondent No. 3 PESO to bawzers operated by private companies/ entities and dealers that do not meet the requirements of the Petroleum Act and Rules or the Legal Metrology Act and Rules framed thereunder, brought to the notice of the Official Respondents from time to time by the Petitioner's Directors through their tweets and other communications;
- (iii) issue a writ of mandamus or any other similar writ or order quashing the (*illegal*) Form XN licenses (mis)used for the purposes of applying and securing Form XIX Licenses for such rogue entities;
- (iv) issue a writ of mandamus or any other similar writ or order directing the Respondents not to pennit operations of such illegal bowzers in view of the clear and imminent threat to public safety;
- (v) issue a writ of mandamus or any other similar writ or order directing the official Respondents to adhere strictly to and also enforce scrupulously the statutory requirements prescribed in the (i) Petroleum Act and Rules, (ii) Essential Commodities Act read with the 2005 Order, and (iii) Legal Metrology Act and Rules framed thereunder, qua use of bowzers for Door-to-Door delivery of petroleum products;

- (vi) direct conduct of enquiry by an independent investigating agency into issuance of illegal Fonn XIX licenses by Respondent No.3 PESO to private companies/entities in breach of the law; &
- (vii) pass such other and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

2. We have heard the learned counsel appearing for the petitioner at length, who has pointed out that the respondents No.6 to 19 are committing consistent breach of the provisions of the Petroleum Act, 1934; Essential Commodities Act, 1955; the Legal Metrology Act, 2009 and various other Acts and the rules made thereunder.

3. This petition filed by the petitioner mentions a lot of details about the modus operandi of respondents No.6 to 19 and how this modus operandi is tantamount to breach of the aforesaid Acts and rules. The petitioner seeks that action should be initiated by respondents No.1 to 5 against the respondents No.6 to 19 and such other violators of the law.

4. Having heard the learned counsel for the petitioner and looking to the facts and circumstances of the case, it appears that there are several allegations by the petitioner against the respondents, which deal with multifarious requirements under several different statutes and statutory instruments. It appears that the petitioner has also made several representations to the respondents No.1 to 5. It is alleged by the petitioner that respondents No.1 to 5 are not taking any action against the respondents No.6 to 19 and against such other violators of the law, as stated in the writ petition.

5. In view of the fact the deciding highly disputed questions of facts will

have to be adjudicated in order to examine the allegations, we are of the view that it would be more appropriate for the grievances of the petitioner to be first considered by the official respondents. At this stage, it would suffice for the disposal of the writ petition to allow the petitioner to prefer a fresh representation with proper averments, allegations and annexures to the concerned respondent authorities. As and when such representation is preferred, the concerned respondent authorities shall decide the same in accordance with law, rules, regulations and Government policies applicable to the facts of the case and after giving adequate opportunity of being heard to concerned parties and all the stakeholders including the petitioner and the concerned respondents, as early as possible and practical.

6. With these observations, the writ petition is disposed of.

CHIEF JUSTICE

PRATEEK JALAN, J

OCTOBER 14, 2020
'anb'