

13-12-2021
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WPA 17648 of 2021

Bulk LPG Transport Contractors Association, Eastern
India & Anr.

-Versus-

The Union of India & Ors.
(Via Video Conference)

Mr. Sirsanya Bandopadhyay,
Mr. Arka Kumar Nag,
Mr. Soham Kumar Roy,
Ms. Deboleena Ghosh,
Mr. Rahul Kumar Singh,
Mr. Tapajit Das

...for the petitioners

Mr. Jaydip Kar, ld. Sr. Adv.
Mr. Puspendu Chakraborty,
Mr. Prasun Mukherjee,
Mr. Deepak Agarwal,
Mr. Arkadipta Sengupta

...for the IOCL/BPCL/HPCL

Mr. Sunil Kr. Singhania
...for the respondent nos. 10 and 11

Mr. Jaydip Kar, learned senior counsel
appears for the Indian Oil Corporation.

Reliance is placed on Section 124 of the
Central Motor Vehicles Act along with the
amendments effected in the year 1993. The
Central Government has mandated crash-guards
by reason of such amendments. The installation of
the crash-guards, according to the oil companies,
is therefore a statutory requirement.

Reliance is also placed on the Oil Industry Safety Directorate notice revised addition on October, 2018 OISD Standard 159. At paragraph 5.1.9 of the said Directorate mandates installation of a crash-guard.

It is submitted that the Central Government/OISD in course of an audit and communication dated February 28, 2020 has required at Clause 15.09 that vehicles without crash-guard on LPG Tank Trucks shall not be allowed to ply.

On one hand the Oil Companies are bound by the Directions of the Central Government and on the other the PESO is non-responsive and unmoved. Affidavit filed by PESO, does not appear to have taken the aforesaid matters for consideration.

In that view of the matter, the writ petition is disposed of directing the PESO to consider each of the aforesaid facts, and take a suitable decision, as regards the installation of these crash-guards in the LPG Tank Trucks hired and used by the Oil Companies for transportation of their goods.

For the aforesaid purpose, the Oil Companies and/or the writ petitioners shall make a comprehensive and suitable representation to

the PESO placing all guidelines, statutory provisions and OISD requirements.

It is only upon a comprehensive SOP and/or guidelines being issued by PESO, in consultation with the OISD that the writ petitioners shall be obliged to install the aforesaid crash-guards. No action shall be taken against the petitioners by the oil companies until then.

This Court has noted the submissions of Mr. Kar, that since after 2018, and till date the Oil Companies did not insist on the crash-guards being installed by the petitioners and had done so only at the instance of the OISD.

It is mandated that the PESO shall take a suitable decision within a period of two months from the date of communication of a copy of this order.

There shall be no order as to costs.

Urgent photostat certified copy of this judgment, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)