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

CWP-6325-2020

Date of Decision:12.09.2023

NISHA

..... Petitioner

Versus

UNION OF INDIA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Amit Jain, Sr. Advocate alongwith
Mr. Aryaman Thakur, Advocate
for the petitioner.

Ms. Gehna Vaishnavi, Advocate
for respondents No.1 and 2.

Mr. Raman Sharma, Addl. AG, Haryana.
(also representing respondent No.4.)

Mr. Harwinderjit Singh Sandhu, Advocate for
Mr. Dheeraj Narula, Advocate
for respondents No.5 and 6.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent to stop installation of retail outlet in Khasra No.168//15/2, 16/1/1, Khewat No.358 on Keharwala to Neemla Road, Village Neemla, Tehsil Ellenabad, District Sirsa.

2. Learned counsel for the petitioner *inter alia* contends that distant between proposed petrol pump of the petitioner is less than 300 Mtrs., thus, installation of second petrol pump is in violation of Indian Road Congress, 2009 (for short 'IRC').

3. Learned counsel for respondent No.4, at the outset, submits that petrol pump is in operation since 27.02.2020. The Deputy

Commissioner has granted NOC in terms of Rule 144 of Petroleum Rules, 2002 vide order dated 13.02.2020. The petitioner has not challenged NOC granted to respondent No.4 i.e. Bharat Petroleum Corporation Limited. The petitioner has no *locus standi* to challenge installation of petrol pump.

4. I have heard the arguments of both sides and with the able assistance of learned counsel have perused the record.

5. From the perusal of record, it comes out that petitioner is assailing installation of petrol pump by respondents No.4 to 6 on the ground that distance between her petrol pump and proposed petrol pump is less than 300 Mtrs. The petitioner is relying upon IRC. The petitioner was assailing installation of petrol pump because installation of second petrol pump is going to create competition. The petrol pump has already been installed and is in operation since 2020. The petitioner has not challenged NOC granted by Deputy Commissioner in terms of Rule 144 of Petroleum Rules, 2002. The petitioner is primarily relying upon IRC, 2009 and it is settled proposition of law that IRC is not binding upon the State unless and until it is adopted. The State Government has not adopted IRC, 2009 and has issued its own guidelines in 2020. The NOC has been issued to respondent No.4 on the basis of guidelines of 2020.

5. In the wake of above facts and findings, this Court finds that present petition sans merit and deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

12.09.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>