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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18900-2023

Date of Decision:01.09.2023

MANGAT RAM

..... Petitioner

Versus

UNION OF INDIA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Piyush Setia, Advocate
for the petitioner.

Mr. Ankur Sharma, Senior Panel Counsel
for the respondent No.1- UOI.

Mr. Ashish Kapoor, Advocate
for respondents No.2 to 4.

Mr. Vikas Chatrath, Advocate
for respondent No.5.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226 & 227 of the Constitution of India is seeking setting aside of communication dated 31.05.2022 (Annexure P-18), 14.06.2022 (Annexure P-22) and 13.07.2022 (Annexure P-26) whereby candidature of the petitioner for RO Dealership has been cancelled.

2. Learned counsel for the petitioner *inter alia* contends that candidature of the petitioner has been cancelled on the ground that as per NHAI guidelines, the land offered by petitioner is not suitable whereas NHAI vide its communication dated 20.06.2022 has informed that as per recommendation of independent engineer access to fuel stations at closer

proximity than 1000m for divided carriageways may be allowed provided entry/exit for both the fuel stations are provided through service road of 7.0m width as per MoRTH guidelines dated 26.11.2016.

3. Learned counsel for respondent No.5 representing NHAI submits that petitioner has not filed application seeking provisional NOC from NHAI, thus, NHAI cannot adjudicate question of feasibility of establishment of second petrol pump at the proposed location.

4. Learned counsel for respondents No.2 to 4 submits that unless and until NOC either provisional or final is issued by NHAI, the Corporation neither can issue LOI nor apply for NOC to District Magistrate in terms of Rule 144 of Petroleum Rules, 2002.

5. Faced with this, learned counsel for the petitioner submits that petitioner would apply for provisional NOC to NHAI within 2 weeks from today.

6. In the wake of statements of learned counsel for the parties, the present petition stands disposed of with liberty to petitioner to move an appropriate application seeking provisional NOC to NHAI and on doing so, the NHAI would pass an appropriate order within 8 weeks from the date of receipt of application.

7. If the petitioner gets provisional NOC from NHAI, the respondent- IOC would consider case of the petitioner for issuance of LOI.

(JAGMOHAN BANSAL)

JUDGE

01.09.2023

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