

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

230-1 CWP-3405-2020 (O&M)
AZAD TANKER COMPANY ... Petitioner
VERSUS
UNION OF INDIA AND OTHERS ... Respondents

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230-2 CWP-18350-2020 (O&M)
Date of Decision: 15.02.2024
M/S ALL INDIA MOTOR TRANSPORT CONGRESS ... Petitioner
VERSUS
UNION OF INDIA AND OTHERS ... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Yashjot S. Dhaliwal, Advocate
for the petitioner in CWP-3405-2020.

Mr. Arun Kumar, Advocate for
Mr. Anmol Rattan Sidhu, Sr. Advocate
for the petitioner in CWP-18350-2020.

Mr. S.P. Jain, Addl. Solicitor General of India with
Mr. Shobhit Phutela, Central Govt. Counsel
for the respondents-U.O.I. in both matters.

VINOD S. BHARDWAJ, J. (ORAL)
CM-12910-CWP-2021 IN CWP-3405-2020
AND
CM-11226-CWP-2021 & CM-12905-CWP-2021 IN CWP-18350-2020

Allowed as prayed for subject to all just exceptions.

The respective replies on behalf of respondent No.1 in CWP-3405-
2020 and on behalf of respondent No.1; and respondents No.3 and 4

respectively in CWP-18350-2020 are ordered to be taken on record. Registry is directed to tag the same at appropriate places of the respective paper books and page mark the same.

MAIN CASES

Both the above mentioned writ petitions are being decided by a common order, with the consent of counsel for the parties, since the issue involved therein is identical. The facts are, however, taken from CWP-3405-2020 titled as 'Azad Tanker Company Versus Union of India and others'.

Prayer in the present petition is for seeking directions to the officials respondents No.1 to 3 to issue Form-11 Licences of increased capacity, in consonance with notification dated 07.08.2018 and in line with the grant of the same to new vehicles of the same capacity, for transportation of inflammable substances in view of notification No.SO 3881(E) dated 06.08.2018 and notification No.SO 3467(E) dated 16.07.2018.

Learned counsel for the petitioners contends that the petitioners are operating tankers for transporting petrol and high speed diesel for and on behalf of the respondent-Company and that the Gross Vehicle Weight (GVW) of the said vehicles has already been increased. He contends that notwithstanding the increase in the weight capacity, the enhanced volume is not being permitted to the petitioners even though the same is being permitted to new vehicles.

Learned Addl. Solicitor General of India appearing on behalf of the respondents contends that as per Rule 63 of the Petroleum Rules, 2002, the petitioners are required to submit an appropriate application through the approved fabricator for enhancement in the volume carriage capacity of the vehicle(s) and that in the event of the petitioners submitting an appropriate

application as per law and the procedure prescribed, a decision shall be taken on such application(s) for increase in the volume carriage capacity of the vehicle(s) in a time bound manner and preferably within a period of three months of submission of such requests/applications.

Counsel for the petitioners has no objection to the abovesaid proposal.

The present writ petitions are accordingly disposed of at this stage with the consent of the parties and without commenting on their respective merits, with liberty to the petitioners to move an appropriate application as per applicable Rules for seeking enhancement in the volume carriage capacity of the vehicles/tankers operated by them.

In the event of the petitioners moving such an application as per law and prescribed procedure alongwith all statutory compliances, the respondent–Authorities shall take a considered decision thereupon within a period of three months of submission of such application(s) as undertaken above by the learned Senior Counsel for the respondents.

All other misc. application(s), if any, also stand(s) disposed of accordingly.

Photocopy of this order be placed on the file of another connected case.

FEBRUARY 15, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No