

CWP-6708-2022

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CWP-6708-2022
Date of Decision: 22.02.2024

Vinod ...Petitioner

Versus

Hindustan Petroleum Corporation Ltd.(HPCL) and others
...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Vijay Pal, Advocate for the petitioner
Mr. Raman Sharma, Advocate for respondent No.1
Mr. Sumit Gupta, Advocate for respondent No.2
Ms. Manisha Nehra, Advocate for respondent No.3

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 03.03.2022 (Annexure P-21) whereby his candidature for the setting up of retail outlet was rejected.
2. The matter came up for consideration before this Court on 31.03.2022 and the following order was passed:-

“It is submitted that the petitioner was successful in draw of lots and the land offered by him was inspected by the Land Evaluation Committee. An objection was raised that the said parcel of land is within one kilometer of another retail

outlet and thus, a clarification be sought from the NHAI. NHAI has refused to give any clarification as its guidelines are clear. As per the guidelines, another retail outlet can be set-up within one kilometer of the existing outlet provided a service road is provided at the cost of the allottee. This was informed to respondent No.1 vide communication dated 14.12.2021 (Annexure P-17) and an undertaking was also submitted that the petitioner would bear the cost of construction of service road, yet, the candidature has been cancelled vide letter dated 03.03.2022 (Annexure P-21) on the ground that there is an existing retail outlet within one kilometer. Under the circumstances, the action is illegal and cannot be sustained in law.

Notice of motion for 26.09.2022.

Meanwhile, operation of order dated 03.03.2022 (Annexure P-21) shall remain stayed.”

3. On 30.10.2023, the matter again came up for hearing before this Court and counsel for petitioner submitted that another Petrol Pump which was foundation of the impugned order has already been closed, thus, his claim needs to be reconsidered. Accordingly the following order was passed:-

“Learned counsel for the petitioner submits that candidature of the petitioner was rejected because there is another petrol pump within the distance of 210 Meters. The aforesaid petrol pump of Reliance Petroleum stands closed, thus, case of the petitioner can be considered. With respect to allocation of petrol pump to respondent No.3, he submits that as per his instruction, respondent No.3 has lost his interest to pursue the matter. The petitioner is ready to bear the cost of construction of service lane.

Faced with this, learned counsel for the respondent No.1 seeks time to get instructions.

Adjourned to 16.11.2023.”

4. Mr. Vijay Pal, Advocate submits that petrol pump of Reliance Industries is lying closed and in case it restarts, the petitioner would construct Service Lane as per guidelines of MoRTH.
5. Mr. Raman Sharma, learned counsel for respondent No.1- corporation submits that by order dated 31.03.2022, this Court had stayed the impugned order dated 03.03.2022, thus, Corporation is unable to proceed further and decide fate of the petitioner.
6. In view of changed facts & circumstances and statement of learned counsel for the respondent No.1-Corporation, the present petition is hereby disposed of with a direction to respondent No.1-Corporation to decide fate of the petitioner by passing an order within two months from today.

(JAGMOHAN BANSAL)
JUDGE

22.02.2024
Mohit Kumar

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