

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-8479-2024(O&M)
Date of decision: 18.04.2024

Bharat Petroleum Corporation Ltd.
... Petitioner
Versus
State of Punjab and others
... Respondents

CORAM: HON’BLE MR. JUSTICE ARUN PALLI
HON’BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Raman Sharma, Advocate,
for the petitioner.
Mr. Anurag Chopra, Deputy Advocate General, Punjab,
for respondents No.1 & 2.
Mr. Vivek Dahiya, Advocate, for
Dr. Puneet Kaur Sekhon, Advocate, for respondent No.3.

ARUN PALLI, J. (Oral)

The petitioner has prayed for the following substantive relief:

“CIVIL WRIT PETITION under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari, Mandamus or any other appropriate writ, order or direction declaring the impugned demand raised through letter dated 05.03.2024 (Annexure P-1) seeking payment of Rs.84,06,019/- so much so adding 12% compound interest on service tax component as well without following the terms and conditions set out in the order dated 06.01.2015 (P-9) passed by the Principal Secretary, Local Government, in compliance with directions issued by this Hon'ble Court CWP No.21562 of 2012 Bharat Petroleum Corpn. Ltd. vs. State of Punjab etc. vide order dated 21.08.2013 (Annexure P-8) whereby monthly lease money was fixed,

arrears were calculated and directions to register lease for a period of 30 years was issued but ignoring the same the respondent-MC Jalandhar has started raising huge demands without,

(1) ascertaining the actual left out area after utilization of the front portion in road widening;

(2) ascertaining the lease amount in proportion to the left out area;

(3) recalculating the lease money in terms of formula devised in the order dated 06.01.2015 (P-9)

which action is totally wrong, illegal, unfair, unreasonable, arbitrary and not only violative of order dated 06.01.2015 (P-9) but also unconstitutional; and,

Further to issue a writ in the nature of mandamus directing the respondents to (1) ascertaining the actual left out area after utilization of the front portion in road widening;

(2) ascertaining the lease amount in proportion to the left out area;

(3) recalculating the lease money in terms of formula devised in the order dated 06.01.2015(P-9)

and also to recast the draft lease deed with reduced area; and/or

to pass any other appropriate directions as are deemed proper in the facts and circumstances of the case.”

Learned counsel for the petitioner submits that prior to the institution of this petition, the petitioner had even served the respondent-authorities vide representations dated 27.03.2024 (P-12) and 05.04.2024 (P-13). But to no avail.

Served with the advance copy of the petition, Mr. Anurag Chopra,

learned Deputy Advocate General, Punjab, and Mr. Vivek Dahiya, Advocate

are present in Court on behalf of respondents No.1 & 2 and respondent No.3, respectively.

Learned counsel for respondent No.3-Municipal Corporation, Jalandhar submits that as the competent authority is already in seisin of the concerns/grievances of the petitioner as sought to be raised in this petition, let the same be disposed of, at this stage, to enable the respondent(s) to consider the matter in the right earnest. And pass necessary orders in accordance with law. Further, he submits that before any such orders are passed, the petitioner shall also be heard, for which a formal communication will be issued well in advance.

Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for respondent No.3. And submits, let this petition be disposed of in terms of his statement. However, he submits that as the matter is pending for a considerable time, the competent authority be directed to take a decision within a specified time.

To which, learned counsel for respondent No.3 submits that the necessary orders, after affording an opportunity of hearing to the petitioner, shall be passed within a period of six weeks from today.

In the wake of the position sketched out above, and in terms of the statements made by learned counsel for the parties, the petition stands disposed of.

This Court is sanguine that the competent authority shall consider the matter in the right earnest, and pass the necessary orders.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated

above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

18.04.2024
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO