

CWP-15403-2019 (O&M) & CWP-2670-2020

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201/1

CWP-15403-2019 (O&M)
Date of Decision: 27.02.2024

Petroleum Pump Dealers Association, Punjab ...Petitioner

Versus

Hindustan Petroleum Corporation Ltd. and others ...Respondents

And

CWP-2670-2020

Petroleum Pump Dealers Association, Punjab ...Petitioner

Versus

Indian Oil Corporation Limited and others ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Namit Gautam, Advocate for the petitioners
Mr. Raman Sharma, Advocate for respondent Nos.1 and 2
(in CWP-15403-2019)
Mr. Ashish Kapoor, Advocate for respondent Nos.1 and 2 in
CWP-2670-2020 and respondent Nos.3 and 4 in CWP-15403-
2019
Mr. Sherry K. Singla, Advocate for respondent No.9
(in CWP-15403-2019)
Mr. G.S. Attariwala, Senior Advocate with
Mr. Vansh Chawla, Advocate for respondent No.11

(in CWP-15403-2019)

Mr. Gagandeep Singh Virk, Advocate for respondent No.13
(in CWP-2670-2020)

Mr. Ashok Bazaz, Advocate for respondent Nos.5 & 6 in CWP-15403-2019 and respondent Nos.3 & 4 in CWP-2670-2020
(*through Video Conferencing*)

Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. As the issue involved is common, with the consent of all parties, all the captioned petitions are disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from *CWP No.15403 of 2019*.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking directions to official respondent Nos.1 to 9 to comply with Clause 4.19 of Punjab Municipal Building Bye-Laws 2018 (for short '**2018 Bye-Laws**') (Annexure P-9) and Notification No.12/23/2019-3 BR3/1402253 dated 24.01.2019 (Annexure P-14) issued by Department of Public Works, Government of Punjab (Building and Road-3 Branch) and guidelines for Access, Location and Layout of Road Side Fuel Stations and Service Station, 2009 (Annexure P-15) while allotting/issuing letter of intent and NOC for commissioning of dealership of retail outlets.

3. Mr. Raman Sharma, learned counsel for respondent Nos.1 and 2, at the outset, submits that Clause 4.19 of 2018 Bye-Laws has already been amended/substituted and the petitioner has assailed vires of amended/substituted clause before Division Bench of this Court. The petitioner is assailing letter of intent dated 09.03.2019 (Annexure P-4) issued

by respondent No.1-Corporation. The Corporation, after issuing aforesaid letter of intent, applied for NOC in terms of Rule 144 of the Petroleum Rules, 2002 (for short '**2002 Rules**') and jurisdictional Deputy Commissioner issued NOC after getting report from various State Government authorities. The petrol pump has already been set up, thus, the present petition has rendered infructuous

4. Mr. Namit Gautam, learned counsel for the petitioner submits that petitioner has filed *CWP No.11744 of 2020* before this Court assailing substituted Clause 4.19 of 2018 Bye-Law. If the said petition is allowed, the present petition would survive.

5. From the perusal of record and arguments of both sides, it is evident that petitioner is claiming non-compliance of Clause 4.19 of 2018 Bye-Laws on the part of respondents. The Corporation in terms of Rule 144 of 2002 Rules applied for NOC which was issued by jurisdictional Deputy Commissioner. It is a known fact that NOC under Rule 144 of 2002 Rules is issued by Deputy Commissioner after getting response from different departments of Central/State Government. The petrol pump has already been set up. The petitioner has not assailed NOC issued by Deputy Commissioner. It is apt to notice that the order passed by the Deputy Commissioner under Rule 144 of 2002 Rules is an appealable order.

6. As Clause 4.19 of 2018 Bye-Laws has already been substituted/amended and the petitioner has assailed vires of the said clause before this Court and he has not assailed NOC issued under Rule 144 of 2002

Rules, this Court is of considered opinion that petitions deserve to be disposed of with liberty to the petitioner to avail remedy as permissible by law.

7. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

27.02.2024
Mohit Kumar

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