



In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 31607 of 2024

Date of Decision: 27.11.2024

M/s H.B.Fuels

... Petitioner(s)

Versus

Union of India and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Tejinder Pal Singh, Advocate
for the petitioner(s).

Mr. Naveen S. Bhardwaj, Additional Advocate General,
Haryana, and Mr. Sharad Aggarwal, Deputy Advocate
General, Haryana, for respondent No.2 to 6 and 8.

Mr. Raman Sharma, Advocate
for respondent No.7.

Anil Kshetarpal, J.

1. The petitioner is running an existing fuel station from 2020. It apprehends competition as a new fuel station has come up at a short distance of 300 meters from his fuel station which is alleged to be against the guidelines (Annexure P1) laid down by the Indian Road Congress and policy for establishment of retail outlets dated 04.09.2020 (Annexure P2).

2. The learned counsel representing the State of Haryana has submitted that an identical issue has been examined by the coordinate Bench in *M/s Ugala Filling Station and Another v. State of Haryana and Others (Civil Writ Petition No. 24682 of 2023, decided on 30.01.2024)*

while laying down that such guidelines are directory and not mandatory.

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3. On reading of the petition, it becomes evident that the advertisement for inviting applications to establish a fuel station at Jakhal Road was issued on 25.11.2018 whereas the letter of intent was issued to respondent No.10 on 21.09.2022. The petitioner, for the first time, objected to the establishment of new fuel station vide representation made on 21.09.2024 i.e. after a period of two years. In the meantime, respondent No.10, after the grant of LOI, made huge investments. Since the representation of the petitioner was not decided, hence, the writ petition has been filed. Firstly, the writ petition suffers from an unexplained delay as the petitioner has established his fuel station on 30.01.2020 and there is a gap of four years and eight months before filing the representation. The petitioner has established the fuel station on 30.01.2020. He knew about the advertisement which was issued on 25.11.2018. The petitioner made a representation only on 30.09.2024, hence, the writ petition suffers from an unexplained delay and laches.

3. It would be noted here that a Division Bench of this Court in *Environment Society of India, Chandigarh v. Administrator, Chandigarh Administration, Union Territory, Chandigarh and Others AIR 1998 Punjab and Haryana 94* has held under issue No.4 that such guidelines are directory and not mandatory. Similarly, a Division Bench of the Madhya Pradesh High Court in *Shailendra v. Smt.Saroj Bhati (WA568 of 2014)* also concluded in the same manner. The Division Bench of Telangana High Court in *Puttala Roshaiah v. Union of India 2022 (5) Andhra LD 731* also held on similar lines. The Single Bench of this Court in *Palwinder Singh*

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guidelines are only directory.

4. Undoubtedly, the aforesaid guidelines appear to have been adopted by the State of Haryana while drafting a policy for establishment of retail outlets on 04.09.2020. However, it has been disclosed by the learned counsel representing the State of Haryana that there is a provision of relaxation in appropriate cases. The petitioner has not alleged that respondent No.10 has not been given any relaxation.

5. The writ petition filed by the petitioner is vague because the petitioner has not disclosed as to whether the road in question is a National Highway/State Highway/Scheduled Road/Village Road. From the photograph, it becomes evident that the location is of urban area as the market is visible in the area.

6. It has also been brought to the notice of the Court that in the policy adopted by the State of Haryana, there is a provision of relaxation in the appropriate cases. Moreover, the petitioner only apprehends competition.

7. In these circumstances, it will not be appropriate to entertain the present writ petition in exercise of the extraordinary writ jurisdiction. Hence, the present writ petition is dismissed.

(Anil Kshetarpal)
Judge

November 27, 2024

“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No