



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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Date of Decision: 13.11.2025

1. CWP-7068-2016 (O&M)

M/S USHA FILLING STATION

...Petitioner

Versus

STATE OF PUNJAB AND ORS.

...Respondents

2. CWP-10630-2015 (O&M)

HARBHAJAN SINGH

...Petitioner

Versus

MINISTRY OF PETROLEUM & NATURAL GAS AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Sanjay Kaushal, Sr. Advocate with
Mr. Ankit Rana, Advocate
for the petitioner (*in CWP-7068-2016*)

Mr. Mayank Mathur, Advocate with
Mr. Bahul Bangar, Advocate
for the petitioner (*in CWP-10630-2015*)

Mr. Aman Dhir, Deputy Advocate General, Punjab

Mr. Somesh Gupta, Sr. Panel Counsel for UOI
for respondent-UOI (*in CWP-10630-2015*)

Mr. Sunil Kumar Sharma, Sr. Panel Counsel
for respondent-UOI (*in CWP-7068-2016*)

Mr. Mahender Joshi, Advocate and
Mr. D.K. Prajapati, Advocate for
Mr. R.S. Madan, Advocate
for respondent-NHAI

Mr. Ashish Kapoor, Advocate and
Mr. M.S. Rana, Advocate
for respondent No.3 (*in CWP-7068-2016*) and
for respondents No.11 and 12 (*in CWP-10630-2015*)

Mr. Harsh Aggarwal, Advocate with
Mr. Farheen Bajwa, Advocate

for respondent No.7-MC (*in CWP-10630-2015*)

Mr. Inderpal Singh, Advocate for
Mr. Nitin Kaushal, Advocate
for respondent No.8 (*in CWP-10630-2015*)

Mr. Akshay Bhan, Sr. Advocate with
Mr. Abishai Alfred George, Advocate
for respondent No.9 (*in CWP-7068-2016*)

JAGMOHAN BANSAL, J. (ORAL)

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order.

2. Harbhajan Singh-petitioner (*in CWP-10630-2015*) is operating a retail outlet dealership of Hindustan Petroleum Corporation Ltd. at Jalandhar-Kapurthala Road. M/s Usha Filling Station-petitioner (*in CWP-7068-2016*) has set up a retail outlet of Indian Oil Corporation. The said outlet was set up in March'2015. It was set up after getting NOC from Deputy Commissioner. It is apt to notice that NOC is issued by Deputy Commissioner in the name of Oil Corporation. The stretch where petrol pump was set up was declared National Highway. On account of said fact, the Deputy Commissioner vide order dated 08.12.2015 cancelled NOC dated 20.03.2015.

3. Harbhajan Singh had filed writ petition before this Court assailing setting up of petrol pump by M/s Usha Filling Station and M/s Usha Filling Station has filed writ petition assailing cancellation of NOC by Deputy Commissioner, Jalandhar.

4. While issuing notice of motion in *CWP-10630-2015*, it was observed that installation of the petrol pump shall be subject to the outcome of this writ petition. In *CWP-7068-2016*, notice of motion was

issued on 12.04.2016 and while issuing notice of motion operation of impugned letter dated 08.12.2015 (Annexure P-11) was stayed. Order dated 12.04.2016 reads as:-

“Learned senior counsel for the petitioner inter alia contends that the selection committee of Indian Oil Corporation selected the petitioner for its petroleum products retail outlet dealership in pursuance of the advertisement published in the year 2011-12. After completing all the necessary formalities, respondent No.2 granted NOC for the development of retail outlet vide letter dated 20.03.2015 (Annexure P-6). He further contends that the Ministry of Road Transport and Highways has declared the entire stretch along with the site as National Highway, as such permission has been cancelled vide letter dated 08.12.2015 (Annexure P-11). This is subsequent to the commissioning and even the notification is about three months after the petrol pump started functioning. He further contends that CWP No.10630-2015 was filed in which installation of petrol pump has been made subject to the final outcome of the petition. In that petition, the petitioner was not a party and the proceedings took place at the back of the petitioner are not binding upon it.

Notice of motion for 21.07.2016.

In the meantime, operation of letter dated 08.12.2015 (Annexure P-11) is stayed.”

5. Learned counsel for NHAI submits that as per his instructions, the stretch in question does not fall within jurisdiction of NHAI and it falls within jurisdiction of PWD. They have no objection with respect to setting up of petrol pump by M/s Usha Filling Station because subject matter falls within jurisdiction of PWD and Deputy Commissioner, Jalandhar.

6. Deputy Commissioner, Jalandhar sought report from PWD as well as Municipal Corporation prior to issuing NOC. The petrol pump set up by M/s Usha Filling Station is in operation since March' 2015. A period of more than 10 years has passed away. Prime ground of withdrawal of NOC was declaration of stretch where petrol pump was set up as National Highway. In view of stand of NHAI and the fact that petrol pump is operating since March'2015, this Court does not find any substance in the **CWP-10630-2015** which is filed by Harbhajan Singh. The said petition deserves to be dismissed and accordingly ***dismissed***.

7. In **CWP-7068-2016**, the jurisdictional Deputy Commissioner would be free to re-examine the matter in the light of fact that NHAI is claiming that stretch in question does not fall within their jurisdiction and it is PWD which is competent authority. The jurisdictional Deputy Commissioner would reconsider matter within two months from today. If any adverse opinion is formed, petitioner-M/s Usha Filling Station would be granted opportunity of hearing. If no order is passed within two months from today, no further action shall be taken against petitioner and it would be free to operate its petrol pump.

8. ***Disposed of*** in above terms.

9. Pending application(s), if any, also stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

November 13, 2025
Deepak DPA

Whether Speaking/reasoned: Yes/No
Whether Reportable: Yes/No