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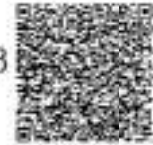
**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

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**Date of Decision: 01.08.2025**

**(I) CWP-23137-2024**

2025.PHHC.098113



M/s NKH Fuels, Ludhiana Through Its Proprietor

..... Petitioner

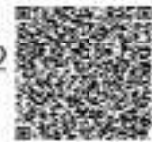
Versus

State of Punjab and others

..... Respondents

**(II) CWP-23282-2024 (O&M)**

2025.PHHC.098112



M/s Indian Oil Corporation Limited, Chandigarh  
Through Its Constituted Attorney

..... Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

**Present:** Mr. Karambir Singh, Advocate  
for the petitioner (in CWP-23137-2024).

Mr. Kanwaljit Singh, Senior Advocate assisted by  
Mr. Ashish Kapoor, Advocate and  
Ms. Muskan Sharma, Advocate  
for the petitioner (in CWP-23282-2024).

Mr. B.S. Bali, Addl. A.G., Punjab.

Mr. Ashish Kapoor, Advocate  
for respondent No.4 (in CWP-23137-2024).

Mr. Arkash Mani Garg, Advocate for  
Mr. K.S. Kang, Advocate  
for the respondent-NHAI.

Mr. Sumeet Mahajan, Senior Advocate assisted by  
Mr. Saksham Mahajan, Advocate and  
Ms. Shruti Singla, Advocate  
for respondent No.5.

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**HARSH BUNGER J. (ORAL)**

This order shall dispose of two writ petitions, bearing CWP-23137-2024 and CWP-23282-2024.

1.1 Prayer in the writ petition bearing CWP No.23137 of 2024 is, *inter alia*, for issuance of a writ in the nature of Certiorari for setting aside order dated 18.04.2024 (Annexure P-30) passed by the learned Project Director, NHAI, PIU Ludhiana.

1.2 Prayer in the writ petition bearing CWP No.23282 of 2024 is, *inter alia*, for issuance of a writ in the nature of Certiorari for setting aside order dated 15.04.2024 (Annexure P-9) and also the order dated 18.04.2024 (Annexure P-10), both passed by the learned Project Director, NHAI, PIU Ludhiana.

2. Learned senior counsel appearing for the petitioner (in CWP-23282-2024), while referring to order dated 07.02.2024 (Annexure P-8) passed by a co-ordinate Bench of this Court in the earlier writ petitions (CWP-26075-2022 and CWP-26969-2022) filed by the present petitioners, submits that earlier also the issue as regards the 'No Objection Certificate' to be issued by NHAI was considered by this Court and the matter was disposed of in the following terms:-

*“4. It may be noticed that the withdrawal of the “No Objection*

*Certificate” is not permanent but has only been withdrawn till any order is passed by the National Highway Authority of India (NHAI) with regard to the grant of “No Objection Certificate” for using the particular site as a Petrol Pump Station hence, as the withdrawal of the “No Objection Certificate” by the impugned order dated 04.11.2022 (Annexure P-23) is not permanent but subject to any order to be passed by the National Highway Authority of India, everything depends upon the order passed by the National Highway Authority of India as to whether, a particular site, which is sought to be used as a Petrol Pump Station, can be allowed for the said purpose or not.*

*5. Learned counsel appearing on behalf of National Highway Authority of India (NHAI) submits that certain documents were sought from the Indian Oil Corporation Limited (IOCL) so that appropriate decision could be taken as to whether or not, a particular site as proposed by IOCL, can be allowed to be used as Petrol Pump but no documents were submitted due to which, the claim of the Indian Oil Corporation (IOC) for the grant of No Objection Certificate, could not be finalized.*

*6. Learned counsel for the respondent-NHAI further submits that appropriate order as to whether, the particular site, as requested by IOCL to be used as a Petrol Pump site, can be allowed to be used as a Petrol Pump site will be decided by the NHAI within a period of eight weeks of the receipt of copy of this order.*

*7. Learned counsel for the respondent-NHAI further submits that in case any document as already asked for, is submitted by the Indian Oil Corporation (IOC), the same will be taken into consideration while forming an opinion as to whether, the prayer of the Indian Oil Corporation (IOC) for the grant of No Objection Certificate is to be allowed or not. In the absence of any other document submitted, appropriate decision will be taken by the NHAI on the basis of the record already submitted by the IOCL for seeking “No Objection Certificate” from NHAI.*

8. *Learned State counsel submits that in case, NHAI grants the permission to the IOCL for running the Petrol Pump Station at a particular site, the impugned order dated 04.11.2022 (Annexure P-23), will be reviewed accordingly and a fresh order will be passed qua the grant of “No Objection Certificate” by the District Magistrate, Ludhiana but in case, the NHAI also does not grant the “No Objection Certificate” in favour of Indian Oil Corporation Limited (IOCL), no further action is required to be taken by the State keeping in view the impugned order already passed by the District Magistrate.*

9. *Keeping in view the above, the present writ petitions are disposed of with a direction to the respondent-NHAI to pass an appropriate order on the application seeking “No Objection Certificate” filed by the Indian Oil Corporation Limited (IOCL) to run a Petrol Pump Station at particular site and in case the request of the IOCL is found feasible, due “No Objection Certificate” be issued but in case the request of IOCL is not found feasible, appropriate speaking order be passed giving due reasons for arriving at the said opinion.*

10. *It may be noticed that in case any order causing prejudice to the Indian Oil Corporation Limited (IOCL) or the beneficiary i.e. the petitioners in CWP No.26075 of 2022 is passed, they will be at liberty to avail appropriate remedy.*

11. *As, another writ petition raising certain grievances has also been filed by a Petrol Pump situated at nearby site qua which no objection is being sought, they will be free to raise their objection before the NHAI in the form of representation only and in case, any such representation is filed raising objections, the same be also considered by the NHAI while deciding as to whether, no objection being sought by the Indian Oil Corporation Limited (IOCL) for the particular site is to be granted or not.*

12. *Keeping in view the interim order passed, as the Petrol Pump at the site is already running, the interim order will continue till a fresh order is passed by the respondent-NHAI. In case, after the passing of the order by NHAI, the Petrol*

*Pump is found to be running within the parameters of law, the same will be allowed to continue to operate subject to any order to be passed by the District Magistrate, Ludhiana qua grant of “No Objection Certificate” and in case, grant of “No Objection Certificate” is declined by the NHAI for running of the Petrol Pump at a particular site in question, the petitioners (in CWP No.26075 of 2022) undertakes to stop the service subject to any order passed by the competent Court of law.*

*13. At this stage, learned counsel for the petitioners submits that they are also challenging the jurisdiction of NHAI but the same will be raised before the NHAI only for their consideration. In case, any such objection is raised qua jurisdiction of NHAI qua grant of “No Objection Certificate”, the same be also decided while passing appropriate order as stated hereinabove.*

*14. The present writ petitions are disposed of in above terms.”*

3. During the course of hearing, learned counsel for the petitioner(s), while referring to the impugned orders in their respective writ petitions, submit that the said orders are not final and conclusive; which can be gauged from the very language used therein, which states that the No Objection Certificate for the fuel station is not feasible “*at this stage*”. It is further submitted that even otherwise, the impugned orders have been passed by the Project Director, NHAI, PIU Ludhiana, whereas, the same were required to be passed by the competent authority at the Head Office/Regional Office, NHAI.

4. The aforesaid position is not disputed by learned counsel for the respondent-NHAI as well as learned counsel for the other parties.

5. In view of the above and without going into the merits of the instant cases, I deem it appropriate to relegate the petitioner(s) to the Competent Authority at the Head Office/Regional Office, NHAI, Bays No. 35-38, Sector-4, Panchkula, Haryana, who would consider the matter as

regards grant of 'No Objection Certificate' to the petrol pump/fuel station; afresh in the light of applicable norms and guidelines, and to take a final decision thereon as per law, within a period of ten days from the date of receipt of the certified copy of this order.

6. All the pending application(s), if any, shall also stand closed.

7. Photocopy of this order be placed on the file of above mentioned connected case.

**01.08.2025**

*Apurva*

**(HARSH BUNGER)  
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No