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[312] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-10578-2026

Date of Decision :28.04.2026

Ex Serviceman Service Station, Kapurthala, through its
Sole Proprietor Smt. Charanjit Kaur

....Petitioner(s)

VERSUS

Union of India and others

....Respondent(s)

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Sunil Chadha, Sr. Advocate assisted by
Mr. Raghav Chadha, Advocate, for the petitioner.

Mr. Raman Sharma, Advocate for respondents
No.2 and 3(BPCL).

Mr.Ajaivir Singh, Advocate for respondent No.4.

HARSH BUNGER J. (Oral)

The present writ petition has been filed under Article 226/227 of the Constitution of India, seeking a writ in the nature of certiorari for setting aside the order dated 31.03.2026 (Annexure P-19), whereby, the reconstitution proposal dated 17.01.2019 (Annexure P-11) submitted by the petitioner has been rejected and as a consequence thereof, the supplies to the dealership of the petitioner have been suspended.

2. Written statement filed on behalf of respondent No.4 in Court today, is taken on record subject to all just exceptions. Copy of the same has been supplied to the learned counsel for the petitioner today itself in the Court.

3. The learned Senior Counsel appearing on behalf of the petitioner submits that earlier the petitioner had filed a writ petition (CWP No.722 of 2026), which came to be disposed of by this Court vide order

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dated 13.03.2026(Annexure P-17), whereby a direction was issued to respondent No.3 to decide the reconstitution proposal dated 17.01.2019 (Annexure P-11), submitted by the petitioner, after hearing the petitioner as well as considering the objections from respondent No.4 and till the decision is taken by the concerned/competent authority, the supplies to the petitioner were ordered to be continued in terms of the order dated 20.11.2025 passed by the Division Bench of this Court in LPA No.1907 of 2017.

3.1 Learned Senior Counsel further points out that in furtherance to the aforesaid order dated 13.03.2026 (Annexure P-17), the concerned authority has now passed a totally non-speaking order dated 31.03.2026 (Annexure P-19). The relevant extract of the said order reads as under:-

“Dear Sir/Madam,

This has reference to your application dated 17.01.2019 submitted under the Reconstitution Policy, and further in continuation of the directions issued by the Hon'ble High Court of Punjab and Haryana in LPA-CWP-7224-2026, decided on 13.03.2026. The Hon'ble Court directed Bharat Petroleum Corporation Limited to decide upon the said application within two weeks from the date of appearance of all concerned parties and after affording an opportunity of hearing.

In compliance with the aforesaid directions, representatives of all concerned parties appeared on 18.03.2026 at 11:00 AM at Territory office, and their submissions were duly recorded through Minutes of Meeting along with detailed written representations. The matter has thereafter been examined in light of the following:

- 1. The applicable Reconstitution Policy and prevailing dealership guidelines;*
- 2. The Corporation's communication dated 14.01.2026, wherein it was explicitly conveyed that the reconstitution proposal originated*

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from an individual and not from the duly authorized signatory of the Dealer Partnership/Co-operative Society (DPSL);

3. The opportunity extended to submit a fresh proposal, duly authorized and originating from the competent Co-operative Society, within the stipulated timeframe;

4. Your reply dated 12.02.2026 stating that the Co-operative Society is no longer in existence and requesting consideration of the earlier application dated 17.01.2019; and

5. The absence of any duly authorized and valid reconstitution proposal from competent entity within the prescribed period.

Upon comprehensive evaluation of the records, submissions, and applicable policy framework it is observed that:

- The application dated 17.01.2019 does not meet the requirements prescribed und prevailing Reconstitution Policy.*

*Accordingly, in compliance with the directions of the Hon'ble High Court and in accordance with the applicable policies and guidelines, the application dated 17.01.2019 for reconstitution of the subject retail outlet stands **rejected**. ”*

4. It is contended that from the perusal of the above extracted order dated 31.03.2026 (Annexure P-19), it is evident that the said order is totally non-speaking, as no reason is forthcoming as to what has weighed in the mind of the concerned authority in rejecting the reconstitution proposal submitted by the petitioner.

5. On the other hand, Mr. Raman Sharma, learned counsel appearing on behalf of respondents No.2 & 3(BPCL) as well as Mr. Ajaivir Singh, learned counsel appearing for respondent No.4 have fairly submitted that the order dated 31.03.2026 (Annexure P-19) is a non-speaking order. Mr. Ajaivir Singh, learned counsel for respondent No.4 further submits that even objections filed by respondent No.4 are not dealt with in the said order,

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although a specific direction was issued by this Court in the order dated 13.02.2026 (Annexure P-17).

6. I have heard learned counsel for the respective parties and perused the paper-book with their able assistance.

7. Upon perusal of the order dated 31.03.2026 (Annexure P-19), it is indeed apparent that the concerned authority has not given any reasoning in rejecting the claim of reconstitution proposal submitted by the petitioner.

8. Hon'ble Supreme Court of India in the case of M/s. Kranti Associates Pvt. Ltd. & Anr. Vs. Sh. Masood Ahmed Khan and others, 2010 (4) RCR (Civil) 600, has observed as under:-

“51. Summarizing the above discussion, this Court holds:

a. In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.

b. A quasi-judicial authority must record reasons in support of its conclusions.

c. Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.

d. Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.

e. Reasons reassure that discretion has been exercised by the decision maker on relevant grounds and by disregarding extraneous considerations.

f. Reasons have virtually become as indispensable a component of a decision making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.

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- g. Reasons facilitate the process of judicial review by superior Courts.*
- h. The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the life blood of judicial decision making justifying the principle that reason is the soul of justice.*
- i. Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigant's faith in the justice delivery system.*
- j. Insistence on reason is a requirement for both judicial accountability and transparency.*
- k. If a Judge or a quasi-judicial authority is not candid enough about his/her decision making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.*
- l. Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or 'rubber-stamp reasons' is not to be equated with a valid decision making process.*
- m. It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision making not only makes the judges and decision makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor (1987) 100 Harward Law Review 731-737).*
- n. Since the requirement to record reasons emanates from the broad doctrine of fairness in decision making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See (1994) 19 EHRR 553, at 562 para 29 and Anya vs. University of Oxford,*

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2001 EWCA Civ 405, wherein the Court referred to Article 6 of European Convention of Human Rights which requires, “adequate and intelligent reasons must be given for judicial decisions”

o. In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of “Due Process”.

8.1 When the impugned order is tested in the light of the observation made by the Hon’ble Supreme Court in the case of *M/s. Kranti Associates (supra)*, there is no manner of doubt that the order dated 31.03.2026 (Annexure P-19) is unsustainable in the eyes of law, being totally non-speaking.

9. In view of the above, the present writ petition is partly allowed and order dated 31.03.2026 (Annexure P-19) is set aside and the matter is remitted back to the *Territory Manager (Retail), Jalandhar, Bharat Petroleum Corporation Ltd., Opposite IOC Bottling Plant, Suchi Pind, Jalandhar (respondent No.3 herein)*, to again consider the reconstitution proposal submitted by the petitioner and also the objection(s) raised by respondent No.4 and then pass a speaking order after affording due opportunity of hearing to all concerned parties; within a period of three (03) weeks from the date of appearance of the parties before him.

10. The parties are directed to appear either personally or through their respective counsel(s) on 08.05.2026 at 11:00 A.M. at the office of Territory Manager (Retail), Jalandhar, Bharat Petroleum Corporation Ltd., Opposite IOC Bottling Plant, Suchi Pind, Jalandhar (respondent No.3 herein).

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11. It goes without saying that till a fresh decision is rendered by respondent No.3 on the reconstitution proposal dated 17.01.2019 (Annexure P-19) submitted by petitioner, the supplies to the petitioner shall be restored in terms of the dated 20.11.2025 (Annexure P-12) passed by the Division Bench of this Court in LPA No.1907 of 2017.

12. The present writ petition is disposed of in the aforestated terms.

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

28.04.2026
Anjal

(HARSH BUNGER)
JUDGE

Whether speaking/non-speaking : Yes/No
Whether reportable : Yes/No