



LPA-2360-2016 (O&M) & -1-
COCP-3303-2016 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101+206

LPA-2360-2016 (O&M)
Date of Decision :03.09.2025

M/s Bharat Petroleum Corporation Ltd

...Appellant

Versus

State of Haryana and others

...Respondents

COCP-3303-2016 (O&M)

M/s Bharat Petroleum Corporation Ltd

...Appellant

Versus

K.R. Kaushal

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Shashank Shekhar Sharma, Advocate with
Mr. Anhad Batta, Advocate for the appellant-Corporation.

Mr. Sandeep Chhabbra, Addl. A.G. Haryana with
Mr. Saurabh Girdhar, AAG, Haryana.

Mr. Sanjay Kaushal, Senior Advocate with
Mr. Ankit Rana, Advocate for respondents No.5 to 12.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-2900-LPA-2025

Present application has been filed for placing on record the documents (maps) on behalf of respondents No.5 to 12 in compliance of order dated 08.02.2023 passed by the Coordinate Bench of this Court.



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As prayed for, application is allowed.

The documents are taken on record.

LPA-2360-2016

1. In the present appeal, the challenge is to the impugned order dated 07.11.2016 passed by the learned Single Bench of this Court in CWP-22957-2016.
2. In the present appeal, notice of motion was issued by the Coordinate Bench of this Court on 06.12.2016 while recording the statement of the learned counsel for the appellant. Order dated 06.12.2016 is reproduced as under:-

“Contends that the appellant is willing to shift its retail outlet to an alternate site provided some time and facility is granted by the State. Further contends that they are willing to abide by the terms of the impugned orders including the imposition of damages and interest as determined by the Collector.

Notice of motion for 09.03.2017.

Till the next date of hearing the appellant will not be dispossessed subject, however, to the condition that the entire dues as indicated in the impugned orders and noticed in the contentions of the learned counsel for the appellant be deposited with the competent authority within a period of three weeks.”

3. A period of 09 years has elapsed since passing of the said order dated 07.11.2016 and keeping in view the interim order granted, the appellant-corporation is continuing its operation on premises in question despite the fact that the writ petition filed by the appellant-Corporation so as to continue its operation on the same place has already been dismissed by the learned Single Judge of this Court vide impugned order dated 07.11.2016.



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4. Further, it may be noticed that the notice of motion was not issued on merits but was rather issued upon the statement made on behalf of the appellant-Corporation that the appellant-Corporation is willing to shift its retail outlet to an alternate site provided that some time and facility is granted by the State but a period of 09 years have elapsed since passing of order directing and hence, granting more time to appellant-Corporation will defeat the purpose of the order dated 14.09.2016 passed by the respondents qua the eviction of the appellant-corporation from the site in question, which order has already been upheld by the learned Single Bench of this Court vide order dated 07.11.2016.

5. At this stage, learned counsel for the appellant-Corporation submits that a proposal to implement the order directing eviction of appellant-Corporation from site in question has already been submitted by the appellant-corporation to the State of Haryana for its consideration so as to allot an alternate site to the appellant-Corporation, which proposal is under consideration and till the said proposal is finalized by the respondent-State, the appellant-Corporation be allowed to continue at the present site.

7. Learned counsel for the respondent-State submits that in case any such proposal has been received from the appellant-Corporation for allotment of an alternate site and if the same is not already finalized, the same will be finalized within a period of 08 weeks from the date of receipt of copy of this order and in case it is found feasible to allot an alternate land to the appellant-Corporation, the same will be allotted otherwise, an appropriate speaking order giving detailed reasons for not accepting the prayer of the appellant-Corporation will be passed



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8. Keeping in view the above, present appeal is disposed of with the observation that in case any proposal for allotment of an alternate site has been received from the appellant by the respondents, the respondent-State should decide the same as undertaken hereinbefore and in case, the said proposal is accepted, appropriate time be given to the appellant-Corporation to shift its outlet to the alternate site and in case the said proposal is rejected, the appellant will vacate the site in question within a period of 02 months from the date the said proposal is rejected so as to hand over the vacant possession of the site in question to the respondents.

9. It may be noticed that till the decision on the proposal of the appellant-Corporation is taken by the respondent-State, the appellant-Corporation will be allowed to continue at the present site.

10 Present appeal is disposed of in above terms.

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11. Learned counsel for the petitioner submits that as the main appeal has already been disposed of, the present contempt petition may also be disposed of having been not pressed any further.

12. Ordered accordingly.

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

14. A photocopy of this order be placed on the file of connected case.

**(HARSIMRAN SINGH SETHI)
JUDGE**

**(VIKAS SURI)
JUDGE**

September 03, 2025

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Whether speaking/reasoned : Yes

Whether reportable : No