

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).4701/2008

(From the judgement and order dated 08/02/2008 in WP No. 3359/2007 of
The HIGH COURT OF DELHI AT N. DELHI)

AMARJEET SINGH Petitioner(s)
VERSUS

UNION OF INDIA & ANR. Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief)

WITH SLP(C) NO. 4745 of 2008

(With appln.(s) for exemption from filing c/c of the impugned
judgment and permission to place addl. documents on record and
with prayer for interim relief and office report)

SLP(C) NO. 5067 of 2008

SLP(C) NO. 5069 of 2008

SLP(C) NO. 5070 of 2008

((With appln(s) for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief and office report)

SLP(C) NO. 5091 of 2008

(With appln.(s) for exemption from filing c/c of the impugned
judgment and permission to place addl. documents on record and
with prayer for interim relief and office report)

SLP(C) NO. 5093 of 2008

SLP(C) NO. 5096 of 2008

(With appln(s) for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief and office report)

SLP(C) NO. 5134 of 2008

SLP(C) NO. 5145 of 2008

(With appln.(s) for exemption from filing c/c of the impugned
judgment and permission to place addl. documents on record and
with prayer for interim relief and office report)

SLP(C) NO. 5150 of 2008

SLP(C) NO. 5263 of 2008

SLP(C) NO. 5349 of 2008

SLP(C) NO. 5523 of 2008

SLP(C) NO. 5643 of 2008

SLP(C) NO. 5756 of 2008

SLP(C) NO. 5772 of 2008

SLP(C) NO. 5849 of 2008

SLP(C) NO. 5857 of 2008

SLP(C) NO. 5858 of 2008

SLP(C) NO. 6449 of 2008

SLP(C) NO. 6462 of 2008

(With appln(s) for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief and office report)

SLP(C) NO. 6889 of 2008

SLP(C) NO. 7164 of 2008

SLP(C) NO. 7167 of 2008

SLP(C) NO. 7168 of 2008

SLP(C) NO. 7169 of 2008

SLP(C) NO. 7176 of 2008

SLP(C) NO. 7226 of 2008

SLP(C) NO. 7229 of 2008

SLP(C) NO. 7232 of 2008

SLP(C) NO. 7234 of 2008

SLP(C) NO. 7237 of 2008

SLP(C) NO. 7238 of 2008
SLP(C) NO. 7239 of 2008
SLP(C) NO. 7243 of 2008
SLP(C) NO. 8079 of 2008
SLP(C) NO. 8658 of 2008
SLP(C) NO. 8664 of 2008
SLP(C) NO. 8673 of 2008
SLP(C) NO. 8681 of 2008
SLP(C) NO. 8683 of 2008
SLP(C) NO. 8685 of 2008
SLP(C) NO. 8712 of 2008
SLP(C) NO. 8716 of 2008
SLP(C) NO. 8720 of 2008
SLP(C) NO. 8722 of 2008
SLP(C) NO. 8758 of 2008
SLP(C) NO. 8764 of 2008
SLP(C) NO. 8765 of 2008
SLP(C) NO. 8855 of 2008
SLP(C) NO. 8920 of 2008
SLP(C) NO. 8923 of 2008
SLP(C) NO. 8956 of 2008
SLP(C) NO. 9005 of 2008
SLP(C) NO. 9010 of 2008
SLP(C) NO. 9013 of 2008
SLP(C) NO. 9014 of 2008
SLP(C) NO. 9015 of 2008
SLP(C) NO. 9020 of 2008
SLP(C) NO. 9021 of 2008
SLP(C) NO. 9023 of 2008
SLP(C) NO. 9025 of 2008
SLP(C) NO. 9027 of 2008
SLP(C) NO. 9030 of 2008
SLP(C) NO. 9038 of 2008
SLP(C) NO. 9039 of 2008
SLP(C) NO. 9040 of 2008

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SLP(C) NO. 9041 of 2008
SLP(C) NO. 9042 of 2008
(With appln(s) for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief and office report)

SLP(C) NO. 9046 of 2008
SLP(C) NO. 9051 of 2008
SLP(C) NO. 9053 of 2008
SLP(C) NO. 9057 of 2008
SLP(C) NO. 9076 of 2008
SLP(C) No. 9919 of 2008
SLP(C) NO.9920 of 2008
(With appln.(s) for exemption from filing c/c of the impugned
judgment and exemption from filing c/c of the impugned judgment
and with prayer for interim relief and office report)
SLP(C) NO.9921 of 2008
SLP(C) NO.9922 of 2008
SLP(C) NO.9926 of 2008
SLP(C) NO.9923 of 2008
SLP(C) NO.9924 of 2008
SLP(C) NO.9925 of 2008
SLP(C) NO.9927 of 2008
SLP(C) NO.11047 of 2008
SLP(C) NO.11136 of 2008
SLP(C) NO.12412 of 2008
SLP(C) NO.12414 of 2008
SLP(C) NO.16711 of 2008
SLP(C) NO.16922 of 2008
SLP(C) NO. 16923 of 2008
[With appln.(s) for exemption from filing c/c of the impugned
judgment and with prayer for interim relief and office report]

Date: 31/07/2008 These Petitions were called on for hearing today.
CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE MARKANDEY KATJU

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For Petitioner(s)
in SLP 4745,5134,
5150,5091,8658 &
5145 of 2008

Mr. Sanat Kumar, Adv.
Mr. Sanjay Sharawat, Adv.
Mr. Sanjay Sharma, Adv.

in SLP 4701/08

Mr. Rajiv Dutta, Sr. Adv.
Mr. A. Matri, Adv.
Mr. Jitendra Mohan Sharma, Adv.

Mr. P.K.Tripathy, Adv.
Mr. Praveen Gupta, Adv.
Mr. Goodwill Indeevar, Adv.

For Respondent(s)
for HPCL

Mr. Kailash Vasdev, Sr. Adv.
Mr. Parijat Sinha, Adv.
Ms. Reshmi Rea Sinha, Adv.
Mr. Anil Kumar Mishra, Adv.
Mr. S.C. Ghosh, Adv.
Mr. Snehasish Mukherjee, Adv.
Mr. Debapriya Samanta, Adv.

Mr. Goolam E. Vahanvati, S.G.I.
Mr. C.A. Sundaram, Sr. Adv.
Ms. Meenakshi Arora, Adv.
Ms. Mala Narayan, Adv.
Ms. Rohini Musa, Adv.
Mr. Abhishek Gupta, Adv.
Mr. LayarInayay, Adv.

Mr. Annam D.N. Rao, Adv.

UPON hearing counsel the Court made the following
ORDER

These 91 special leave petitions have been filed by
persons who had responded to the offer made by the Oil Marketing
Companies indicating that they intended to start Retail Outlets for
which they required land to set up such outlets.

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As we have been able to gather from the submissions made in extenso
by all the parties, even at this initial stage, two kinds of Retail Outlets
are contemplated by the Oil Marketing Companies. One is with regard

to the Outlets which are to be owned and operated by the Companies themselves. The other with regard to persons who were interested in obtaining dealership directly.

We are informed that all these matters which are before us, involve Company owned and Company operated Outlets. From the policies which have been shown to us such Outlets were to be established on sites which were to be taken on lease or acquired by outright purchase and after the completion of the civil work by the Oil Marketing Companies they were to be operated by the Companies themselves and in cases where operation was not possible by the Oil Marketing Companies themselves it was decided that the same should be operated by Maintenance and Handling contractors.

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It is quite clear that in all these cases the intention was that the Oil Marketing Companies would run the Outlets themselves and till such time as they were able to do so, they could have the same operated by such contractors.

In fact, in all these matters the Retail Outlets are being run by Maintenance and Handling contractors who are not the owners of the demised lands but relatives of such owners in some cases.

However, as has been pointed out on behalf of the petitioners some of the writ petitions were separated and kept apart from the rest for separate hearing. It has also been pointed out that if all these Retail Outlets were to be run as Company owned and Company operated units there could be no reason for treating the said writ petitions which have been kept apart, differently from the others. Apart from that, it has also been submitted that at least in two cases, SLP(C)No. 5849/08 and 5756/08, applications were made

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and agreements were executed between the parties within the time period when a policy, which purportedly provided for grant of dealership to land owners, was in force. The period in question is from 8th October, 2002 to 5th February, 2003. Mr. Dutt has submitted that there are some other matters where the petitioners are said to be similarly situated.

While we are unable to accept the submissions made in respect of the other petitioners, we are of the view that the special leave petitions which involve applications made or agreements arrived at during the aforesaid period, merit further consideration.

Accordingly, let notice issue in respect of special leave petition (C) Nos. 5849/08 and 5756/08 and also in respect of those matters where the petitioners are said to be similarly placed, in relation to IBP only. For the said purpose, the learned Solicitor General is requested to provide a list of such matters by next Monday.

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Let the notices issue once the chart has been submitted and the matters have been verified. All the other SLPs. apart from the above-mentioned SLPs, are dismissed.

In the matters where we have issued notice, the parties are directed to maintain status quo as on today, with liberty to the respondents to apply for variation and modification of this order, if so advised.

(Suman Wadhwa)
Court Master

(Neeru Bala Vij)
Court Master