

HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT JAIPUR

S.B. Civil Writ Petition No. 11365/2021 Deepak Acharya S/o Shri Prakash Chand Acharya

----Petitioner

Versus

Hindustan Petroleum Corporation Limited

----Respondent



Mr. Sunil Samdaria

Mr. Arihant Samdaria

For Respondent(s)

Mr. R.K. Mathur Sr. Adv. assisted by

Mr. J.P. Gupta,

Mr. Sanjay Kumar Singhal

Mr. Neeraj Batra, GC Ms. Nidhi Khandelwal

Ms. Anshu Kanwar

HON'BLE MR. JUSTICE SUDESH BANSAL Order

05/03/2025

- 1. Having heard counsel for both the parties and from perusal of document including the report of Tehsildar and SDO, it prima facie appears that the NOCs, to establish the retail outlet, have been issued by the authorities without taking into consideration the fact that the site approved to establish the retail outlet is hardly 25 meters away from the *Shamshan* and at 18 meters distance, a high tension line of 11,000 KV is passing through. Further the authorities did not adverted to the guidelines issued by the NGT, particularly in respect of siting criteria of retail outlet prescribed in Clause 6(H) in the judgment dated 22.07.2019 passed by the National Green Tribunal at Principal Bench New Delhi and the location to establish the retail outlet has been approved in violation of the sital norms.
- 2. Matter requires consideration.
- 3. Admit.



- 4. The stay order dated 06.10.2021 is hereby made absolute during the course of writ petition, however, if the motor spirit has been supplied and stored in the underground tanks, same is permitted to be lifted by the respondents and it shall remain open for the respondent- HPCL to invite respondent No.5 for any alternative location to establish the retail outlet pursuant to LOI issued to him.
- 5. With the aforesaid liberty and observations, stay applicationa so also the application(1/2021), for vacation of ex-parte ad interim order stand disposed of.
- 6. Application (1/2023) for early listing of the matter stand disposed of.
- 7. List the matter for hearing on 14.05.2025.

(SUDESH BANSAL),J

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