

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)
WEDNESDAY, THE FOURTH DAY OF OCTOBER,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE A. V. SESA SAI
AND

THE HONOURABLE SRI JUSTICE T.MALLIKARJUNA RAO
WP (PIL) No.: 154 OF 2023



Between:

A.Bhima Naga Ramesh,

.. Petitioner

AND

01. Union of India, Rep. by its Secretary,
Ministry of Petroleum and Natural Gas,
Shastri Bhavan, New Delhi - 110001.
02. Central Bureau of Investigation,
Represented by its Director,
Plot No. 5-B, 6th Floor, CGO Complex,
Lodhi Road, New Delhi - 110003.
03. State Level Coordinator for Oil Industry,
C/o Hindustan Petroleum Corporation Ltd.,
Vijayawada Retail Regional office,
Managalagiri Road, Thadepalli,
Guntur District.
04. Indian Oil Corporation Ltd,
Rep.by its Chairman & Managing Director,
3079/3, Sadiq Nagar, J.B. Tito Marg,
New Delhi - 110 049.
05. The Director,
Marketing Division,
Head Office, Indian Oil Bhavan,
G-9, Ali Yavar Jung Marg, Bandra (East),

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Mumbai - 400 051 State of Maharashtra

06. Hindustan Petroleum Corporation Ltd,
Rep.by its Chairman & Managing Director,
Petroleum House 17, Jamshedji Tata Road,
Mumbai, State of Maharashtra- 400020.
07. The Director, Marketing Division,
Hindustan Petroleum Corporation Ltd,
Hindustan Bhavan, 8, Shoorji Vallabhdas Marg,
B.No. 155, Mumbai, State of Maharashtra,
Mumbai, 400001.
08. Bharat Petroleum Corporation Ltd.,
Rep.by its Chairman & Managing Director,
Bharat Bhavan, Currimbhoy Road,
Road No 4 and 6, Ballard Estate,
Mumbai, State of Maharashtra- 400020.
09. The Director,
Marketing Division,
Bharat Petroleum Corporation Ltd.,
Bharat Bhavan, Currimbhoy Road,
Road No 4 and 6, Ballard Estate,
Mumbai, State of Maharashtra- 400020.
10. Regional Manager,
Indian Oil Corporation Ltd.,
Vizag Area Office and Divisional Office,
8th Floor, LIC Building Jeevan Prakash,
Visakhapatnam, Andhra Pradesh 530004.
11. Regional Manager,
Hindustan Petroleum Corporation Ltd,
Visakh DS RO, Petro Nilayam,
Opp AU in Gate, China Waltair Road,
Siripuram, Visakhapatnam - 530003.
12. Regional Manager,
Bharath Petroleum Corporation Ltd,
1st Floor, Vizag Insulation, Butchaiah Nagar,
Visakhapatnam - 530009.

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13. State of Andhra Pradesh,
Rep. by its Chief Secretary,
1st Floor, Interim Government Complex,
A.P. Secretariat, Velagapudi,
Guntur, Andhra Pradesh.
14. Sale Taxes Department of Andhra Pradesh,
Rep. by its Chief Commissioner,
DNo.5-59, Bandar Road,
Spring Valley Apartments,
Rajiv Bhargav Colony Road,
R.K. Spring Valley Apartments,
Edupugallu, Vijayawada- 521151,
15. Director General of Police,
Andhra Pradesh,
O/o D.G.P. Mangalagiri,
Guntur District, Andhra Pradesh.
16. Commissioner of Civil Supplies,
Govt. of Andhra Pradesh.,
Sri Sai Towers, Beside SIRIS Company,
Chowdharypet, Ayyappa Nagar,
Vijayawada, Andhra Pradesh 520007.
17. State of Pudduchery,
Rep. by its Chief Secretary,
Goubert Avenue, Beach Rd,
White Town, Puducherry, 605001.
18. Commissioner of Civil Supplies,
Department Of Civil Supplies And Consumer Affairs,
Thattanchavady, Puducherry - 605009.
19. Nayara Energy Limited,
Rep. by its Managing Director,
5th Floor, Jet Airways Godrej BKC,
Plot No. C-68, G Block,
Bandra Kurla Complex,
Bandra East, Mumbai - 400 051,
State of Maharashtra.

... Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ or order or direction with more particularly in the nature of WRIT OF MANDAMUS declaring the action of the Respondent Authorities not initiating any action to stop illegal sale of Petroleum products within the State of Andhra Pradesh which are actually meant for sale and consumption in Yanam and consequently direct the full fledged enquiry by CBI or Special Investigation Team (SIT) to stop the illegal trade of Petroleum products across the borders of Andhra Pradesh and Yanam, and to prosecute the perpetrators of this illegal trade.

IA NO: 2 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent Director General of Police, Andhra Pradesh and the Commissioner, Civil Supplies Department, State of Andhra Pradesh to forthwith set up Special Investigation Team (SIT) to curtail the sale and usage of such Petroleum products in AP which are actually meant for sale and use within the geographical boundaries of Yanam, Pending disposal of WP(PIL) 154 of 2023, on the file of the High Court.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent Petroleum Corporations not to take further steps pursuant to the notification dated 28-6-2023, Pending disposal of WP(PIL) 154 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri K.S.Murthy, Senior Counsel representing Sri Ponnada Sree Vyas, Advocate for the Petitioner, Sri Harinath N (Deputy Solicitor General of India) for the Respondent Nos. 1 & 2, Sri P.Venkata Rao, Standing Counsel for the respondent Nos. 3, 6, 7 & 11, Sri V.R.Reddy Kovvuri, Standing Counsel for the respondent Nos. 4, 5 & 10, Sri V.V.Satish, Standing Counsel for the respondent Nos.8, 9 & 12, GP for GAD for the respondent No.13, GP for Commercial Tax for the respondent No.14, GP for Home for the respondent No.15 and of GP for Civil Supplies for the respondent No.16, the Court made the following

ORDER:

“Heard Sri K.S.Murthy, learned Senior Counsel, representing Sri Ponnada Sree Vyas, learned counsel for the petitioner on record.

Challenge in the present Writ Petition is to the inaction on the part of the respondent authorities in initiating action to stop the illegal trade of Petroleum products within the State of Andhra Pradesh.

It is submitted by the learned Senior Counsel that as on date, there are ten(10) Petroleum Outlets within the limits of Yanam and once again by way of the impugned notification, the respondent Corporations are proposing to

establish '11' more Petroleum Outlets in Yanam and the population of Yanam is 69,375 only. It is further submitted by the learned Senior Counsel that as long back as on 04.05.2018, the State Level Co-ordinator addressed a letter *vide* reference Ref:SLC/AP/YANAM, expressing concern over the issue. But, despite the same, without remedying the said issue, once again by way of the impugned notification, '11' more outlets are proposed to be established in Yanam.

Learned Deputy Solicitor General for Union of India, Sri N.Harinath, and learned Government Pleader for Civil Supplies Department, State of Andhra Pradesh pray time for filing counter affidavit.

Having regard to the submissions of the learned Senior Counsel for the petitioner and taking into consideration, the averments made in the affidavit filed in support of the Writ Petition, there shall be a direction to the Respondent Petroleum Corporations not to finalize establishment of Petroleum Outlets pursuant to the impugned notification, dated 28.06.2023, pending further orders. However, other proceedings may go on.

Learned counsel for the petitioner is permitted to take out personal notice to the respondents by RPAD and file proof of service into the Registry.

Post after four(4) weeks."

//TRUE COPY//

Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR

For /


SECTION OFFICER

To,

1. The Secretary, UNION OF INDIA, Ministry of Petroleum and Natural Gas, Shastri Bhavan, New Delhi - 110001.
2. The Director, Central Bureau of Investigation, Plot No. 5-B, 6th Floor, CGO Complex, Lodhi Road, New Delhi - 110003.
3. State Level Coordinator for Oil Industry, C/o Hindustan Petroleum Corporation Ltd., Vijayawada Retail Regional office, Managalagiri Road, Thadepalli, Guntur District.
4. The Chairman and Managing Director, Indian Oil Corporation Ltd, 3079/3, Sadiq Nagar, J.B. Tito Marg, New Delhi - 110 049.
5. The Director, Marketing Division, Head Office, Indian Oil Bhavan, G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai - 400 051 State of Maharashtra
6. The Chairman AND Managing Director, Hindustan Petroleum Corporation Ltd, Petroleum House 17, Jamshedji Tata Road, Mumbai, State of Maharashtra- 400020.

7. The Director, Marketing Division, Hindustan Petroleum Corporation Ltd, Hindustan Bhavan, 8, Shoorji Vallabhdas Marg, B.No. 155, Mumbai, State of Maharashtra, Mumbai, 400001.
8. The Chairman AND Managing Director, Bharat Petroleum Corporation Ltd., Bharat Bhavan, Currimbhoy Road, Road No 4 and 6, Ballard Estate, Mumbai, State of Maharashtra- 400020.
9. The Director, Marketing Division, Bharat Petroleum Corporation Ltd., Bharat Bhavan, Currimbhoy Road, Road No 4 and 6, Ballard Estate, Mumbai, State of Maharashtra- 400020.
10. Regional Manager, Indian Oil Corporation Ltd., Vizag Area Office and Divisional Office, 8th Floor, LIC Building Jeevan Prakash, Visakhapatnam, Andhra Pradesh 530004.
11. Regional Manager, Hindustan Petroleum Corporation Ltd, Visakh DS RO, Petro Nilayam, Opp AU in Gate, China Waltair Road, Siripuram, Visakhapatnam - 530003.
12. Regional Manager, Bharath Petroleum Corporation Ltd, 1st Floor, Vizag Insulation, Butchaiah Nagar, Visakhapatnam - 530009.
13. The Chief Secretary, State of Andhra Pradesh, 1st Floor, Interim Government Complex, A.P. Secretariat, Velagapudi, Guntur, Andhra Pradesh.
14. The Chief Commissioner, Sale Taxes Department of Andhra Pradesh, DNo.5-59, Bandar Road, Spring Valley Apartments, Rajiv Bhargav Colony Road, R.K. Spring Valley Apartments, Edupugallu, Vijayawada- 521151,
15. Director General of Police, Andhra Pradesh, O/o D.G.P. Mangalagiri, Guntur District, Andhra Pradesh.
16. Commissioner of Civil Supplies, Govt. of Andhra Pradesh., Sri Sai Towers, Beside SIRIS Company, Chowdharypet, Ayyappa Nagar, Vijayawada, Andhra Pradesh 520007.
17. The Chief Secretary, State of Pudduchery, Goubert Avenue, Beach Rd, White Town, Puducherry, 605001.
18. Commissioner of Civil Supplies, Department Of Civil Supplies And Consumer Affairs, Thattanchavady, Puducherry - 605009.
19. The Managing Director, Nayara Energy Limited, 5th Floor, Jet Airways Godrej BKC, Plot No. C-68, G Block, Bandra Kurla Complex, Bandra East, Mumbai - 400 051; State of Maharashtra (Addressee nos.1 to 19 by RPAD)
20. One CC to Sri Ponnada Sree Vyas, Advocate [OPUC]
21. One CC to Sri Harinath N (Deputy Solicitor General of India) Advocate [OPUC]
22. One CC to Sri. P.Venkata Rao, Standing Counsel [OPUC]
23. One CC to Sri. V.R. Reddy Kovvuri, Standing Counsel [OPUC]
24. One CC to Sri. V.V.Satish, Standing Counsel [OPUC]
25. Two CCs to GP for General Administration, High Court of Andhra Pradesh. [OUT]
26. Two CCs to GP for Commercial Tax ,High Court of Andhra Pradesh. [OUT]
27. Two CCs to GP for Home, High Court of Andhra Pradesh. [OUT]
28. Two CCs to GP for Civil Supplies, High Court of Andhra Pradesh. [OUT]
29. **Two spare copies.**

CVSS



HIGH COURT

AVSSJ &
TMRJ

DATED:04/10/2023

POST AFTER FOUR (4) WEEKS

ORDER

WP(PIL).No.154 of 2023

DIRECTION

