



CWP-18817-2026 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-18817-2026 (O&M)
Reserved on: 02.07.2026
Pronounced on: 18.08.2026
Uploaded on: 18.08.2026**

EX-SERVICEMEN SERVICE STATION**-PETITIONER****V/S****UNION OF INDIA AND OTHERS****-RESPONDENTS****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Sunil Chadha, Sr. Advocate, with
Mr. Tara Dutt, Advocate, and
Mr. Raghav Chadha, Advocate
for the petitioner.

Ms. Vibha Dhiman, Advocate
for the respondent No.1.

Mr. Raman Sharma, Advocate
for the respondents No.2 and 3.

Mr. Sukhdeep S. Chhatwal, Advocate
for the respondent No.4.

KULDEEP TIWARI, J.

1. The instant writ petition marks the third round of litigation instituted by the petitioner, wherein she assails the legality and validity of the order dated 29.05.2026, whereby her application dated 17.01.2019 seeking reconstitution of the firm, M/s Ex-Servicemen Service Station, stood rejected by respondent No.3.

2. Before advertng to the rival submissions, it is deemed apposite to concisely recapitulate the earlier rounds of litigation



culminating in the present proceedings.

EARLIER ROUNDS OF LITIGATION

3. The petitioner initially invoked the jurisdiction of this Court by filing CWP-27028-2014, challenging the notice dated 17.12.2014 issued by respondent No.3, which required her to furnish certain documents in the name and style of M/s Ex-Servicemen M.T. Co-operative Society Limited. The said writ petition was dismissed vide order dated 03.10.2017, with the following observations: (i) the petitioner was not the dealer, but was merely acting as a dealer on behalf of the Company, being a lessee in possession; (ii) the petitioner herself had acknowledged, in her letter dated 24.04.1985, that she was a “Benami dealer” and had requested the Corporation to recognize her as the dealer, which request was never acceded to, as her status in the record of the Company was not that of a dealer but of a stranger, albeit a lessee of the dealer, i.e., an entity managing the affairs of the Petrol Pump as lessee on behalf of the licensee; and (iii) the mere fact that the petitioner had been permitted to operate the petrol pump for a considerable period did not, by itself, confer upon her any right of dealership. The relevant observations are extracted hereunder:-

“The petitioner is admittedly not the dealer. He is acting as dealer on behalf of the Company being a lessee in possession. This fact is itself alleged by the petitioner in the letter dated 24.4.1985 that the petitioner had taken on lease service station through his father on the land in the year 1968, which was further developed gradually. Since, the petitioner is not the dealer and has also prayed in the letter that he is Benami dealer, requesting



that it may be considered as dealer, which has not been accepted by the Corporation so far and that the status of the petitioner in the record of the Company is not of dealer but of a stranger, be a lessee of the dealer i.e an entity, which is managing the affairs of Petrol Pump as lessee on behalf of the licensee, therefore, the agitation of the petitioner that long silence on the part of the Corporation clothes it with the right of dealership, is not acceptable.”

4. The dismissal order (*supra*) exacerbated the petitioner's grievance and propelled her to file an intra-court appeal, i.e. LPA-1907-2017. However, during the pendency thereof, the petitioner opted not to challenge the legality of the dismissal order on merits, and instead sought disposal of the Letters Patent Appeal with a direction to respondent No.3 to decide her application dated 17.01.2019 under the reconstitution policy. Consequently, the LPA Bench disposed of the Letters Patent Appeal vide order dated 20.11.2025, directing respondent No.3 to decide the application dated 17.01.2019 within a period of eight weeks. The relevant paragraphs of the order reads as follows:-

“2. After hearing all the concerned parties and keeping in view the above, the direction is issued to the BPCL that the application so received at the hands of the appellant under the reconstitution policy so as to allow him the dealership of the concerned petrol station, be decided within a period of eight weeks from the date of receipt of copy of this order after hearing all the concerned.

4. As the question of allowing the appellant to continue with the operation of the said petrol pump is to be decided by the BPCL within a period of eight weeks from the receipt of copy of this order, till any order is passed on the basis of the direction given hereinbefore, the appellant will be allowed to continue to run the petrol pump as being done so far but in case the order is passed

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by the BPCL against the appellant, the BPCL will be within its jurisdiction to take appropriate decision to stop the supply.”

5. Pursuant thereto, the petitioner’s proposal for reconstitution, as enclosed in the application dated 17.01.2019, was rejected vide order dated 25.02.2026, which once again aggrieved the petitioner and impelled her to approach this Court by way of CWP-7224-2026. The said writ petition was disposed of vide order dated 13.03.2026, with a direction to respondent No.3 to decide the petitioner’s reconstitution proposal dated 17.01.2019 after taking into consideration the objections that had already been submitted or might be submitted by private respondent No.4 or any other concerned person.

6. Consequently, respondent No.3, after affording due opportunity of hearing to all concerned and considering the objections raised by respondent No.4, passed the impugned order dated 29.05.2026, once again rejecting the petitioner’s reconstitution proposal on the ground that reconstitution from a society (non-individual entity) to any individual cannot be done as per Clause L 8 of the prevalent reconstitution guidelines, inasmuch as the said clause applies only to dealerships awarded to individuals and not to any societies/government bodies/any other non-individual entities.

7. Thus, having remained unsuccessful on each earlier occasion, the petitioner has once again approached this Court, assailing the order dated 29.05.2026.

SUBMISSIONS OF LEARNED SENIOR COUNSEL FOR THE PETITIONER



8. Learned senior counsel appearing for the petitioner submits that the reasons assigned in the impugned order for rejecting the petitioner's proposal are wholly untenable and unsustainable in law, inasmuch as reconstitution from a society (non-individual entity) to an individual can be effected as per Clause L 8 of the reconstitution guidelines (Annexure P-23). It is emphasized that there is no stipulation in the reconstitution guidelines that the same are applicable only to an individual and not to any society/government body/any other non-individual entity. It is further submitted that, had the case of the petitioner not been covered under the reconstitution guidelines, there was no reason for respondent No.3 to initiate the process by issuing the letter dated 03.06.2019 (Annexure P-24).

9. Learned senior counsel next contends that operational arrangements were permitted from time to time in favour of Chanan Singh, thereafter his legal heirs, and ultimately the present petitioner, who is the widow of Chanan Singh. Therefore, respondent No.3 has illegally rejected the claim of the petitioner for reconstitution on the ground that no formal dealership transfer, novation, or recognized reconstitution was approved by the Corporation.

10. Lastly, learned senior counsel, while drawing the attention of this Court to the telegram dated 17.04.1985 (Annexure P-4) and also to the letter dated 27.11.2012 (Annexure P-6), submits that the same had been issued in the name of the petitioner only and, therefore, respondent No.3 cannot now observe in the impugned order that the petitioner had



made a proprietorship firm with a similar name to take undue leverage.

SUBMISSIONS OF LEARNED COUNSEL FOR THE RESPONDENTS NO.2 AND 3

11. *Per contra*, learned counsel representing the respondents No.2 and 3, while inviting the attention of this Court to Clause 4 of the Memorandum of Agreement dated 24.06.1972 (Annexure P-1), whereby dealership was allotted to Ex-Servicemen M.T. Co-op. Society Ltd., submits that neither can the dealership be transferred nor can its constitution be changed. It is further submitted that the contentions raised by the petitioner in the instant writ petition have already been considered by this Court in CWP-27028-2014, wherein, vide order dated 03.10.2017, the status of the petitioner was held to be operating the dealership 'benami' and the said writ petition was accordingly dismissed. It is, therefore, contended that the petitioner cannot be permitted to raise the same issues and contentions again before this Court.

SUBMISSIONS OF LEARNED COUNSEL FOR THE RESPONDENT NO.4

12. Learned counsel appearing for the respondent No.4, which is one of the two successor societies formed by bifurcation of the original society/original dealer, namely M/s Ex-Servicemen Motor Transport Cooperative Society Ltd., in 1979, submits that the lease deed dated 30.05.1993, upon which the petitioner has set up her claim, is, in fact, forged and fabricated, and no rent was ever deposited by the petitioner or her predecessor with any of the two successor societies. It is further



submitted that, on the basis of a complaint made by respondent No.4 to the Deputy Commissioner, Kapurthala, the telegram dated 17.04.1985 (Annexure P-4) was issued, which ultimately led to stoppage of petrol supply to the petitioner.

13. Further, learned counsel for the respondent No.4 submits that he aligns with the line of respondents No.2 and 3 insofar as the doctrine of *res judicata* is concerned. It is submitted that since the order dated 03.10.2017 passed in CWP-27028-2014 has already sealed the fate of the petitioner, the petitioner cannot raise the same issues and contentions, as raised therein, in the instant writ petition on account of the doctrine of *res judicata*.

14. Resting his arguments, learned counsel submits that Ex-Servicemen Service Station has no legal existence. Rather, it is a non-legal entity and, therefore, its reconstitution claim has rightly been rejected.

REASONS FOR DISMISSING THE INSTANT WRIT PETITION

15. This Court has considered the submissions advanced on behalf of the contesting litigants and has also meticulously scrutinized the record. For the reasons assigned hereinafter, this Court does not find any merit in the instant writ petition.

16. There is no wrangle to the fact that the status of the petitioner already stands determined by this Court in the first round of litigation, i.e. CWP-27028-2014. Vide order dated 03.10.2017, this Court had categorically held that the petitioner was not the dealer and was merely a



stranger/lessee operating the dealership on behalf of the actual licensee. The said finding having attained finality, the petitioner cannot be permitted to re-agitate the issue in the present proceedings.

17. In the subsequent rounds of litigation, i.e., LPA-1907-2017 and CWP-7224-2026, the only window left open for the petitioner was to get her application dated 17.01.2019, seeking reconstitution of the firm, decided by respondent No.3. The said application stands decided vide the impugned order dated 29.05.2026, and the petitioner's reconstitution proposal has been rejected by respondent No.3 on the ground that the reconstitution guidelines relied upon by the petitioner are not applicable for reconstitution of a society (non-individual entity) to an individual.

18. Since much emphasis has been laid upon Clause L 8 of the reconstitution guidelines (Annexure P-23) by parties, the same is extracted hereinbelow: -

“8. Cases of Total change over in past where no signatory {including legal heir(s)/ family member(s)/blood relative(s)} is part of set up

There are cases where the approved proprietor / partner(s) have exited the dealership totally and it is being operated by persons who are neither legal heir(s) nor family member(s) / blood relative(s) of the dealer.

In such cases the person(s) operating the dealership would make an application indicating complete details of the case and requesting for condoning the past actions and confirming to abide by the provisions of dealership agreement in the future. The person(s) operating the Dealership would also be required to submit complete proposal for reconstitution. Upon request from the dealership, such proposal would be considered.

In such cases the OMC concerned will also issue a suitable notice



in the newspaper (cost of notice to be borne by the dealership) indicating that application has been received for reconstitution of the dealership in favour of applicants and seeking response/objection, if any, for such reconstitution from the concerned partner(s) / their legal heir(s) within a time period of 30 days. Additionally, the Notice should be sent under Regd/AD Post to the last known address of the Proprietor/partner(s). This notice will be finalized in consultation with Legal / Law Deptt.

In case no objection is received within the time period specified, the proposal received from the dealership will be scrutinized by the Divisional/Territory/Regional Office in-charge and put up to a three member committee, nominated by the State Head /Retail Head of State /Zonal Head. Recommendation of the committee should be forwarded to the State Head/Retail Head of State /Zonal Head for final decision. New dealership agreement will be signed with dealer(s) subject to approval by State Head/Retail Head of State /Zonal Head and after taking suitable indemnity (Annexure-Q2) from the dealership

However, upon reconstitution the dealership would be warned by issuing a Letter of warning (Appendix-I) and levying a penalty fee of Rs.15 lakhs for “B” site Regular Ros (Rs.5 lakhs for Rural ROs) and Rs.30 lakhs for “A” site Regular ROs (Rs.10 lakhs for Rural ROs).”

19. A perusal of the clause extracted hereinabove makes it abundantly clear that it relates to approved proprietor/partner(s) and applies only where the dealership is held by an individual proprietor or partner(s). It does not contemplate reconstitution of a dealership in the name of a limited cooperative society. Therefore, the petitioner does not have any existing right to seek reconstitution under the reconstitution policy (Annexure P-23), and her claim has rightly been rejected by respondent No.3.



20. The other contentions and issues raised by the petitioner with regard to her entitlement to continue to run the petrol pump as proprietor have already been adjudicated and rejected by this Court in the earlier rounds of litigation and, therefore, by applying the doctrine of *res judicata*, the same cannot be maintained in the instant writ petition.

21. As a sequitur to the discussion made hereinabove, the instant writ petition is **dismissed** as being devoid of merit.

22. Pending application, if any, stands disposed of accordingly.

August 18, 2026	(KULDEEP TIWARI)
devinder	JUDGE
Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No