

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY**

WRIT APPEAL NO: 1017 OF 2026

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 28-07-2026 in W.P.No.24469 of 2026, on the file of the High Court.

Between:

1. Hindustan Petroleum Corporation Limited, Represented by its Chairman and Managing Director, Having its Registered Office at Petroleum House, 17, Jamshedji Tata Road, Mumbai, Maharashtra - 400020.
2. The Chief Regional Manager, Retail, Hindustan Petroleum Corporation Limited, Having its Regional Office at Nizamabad Retail Region Office, 6-2-151/1, First Floor, Ram Mandir Lane, Subash Nagar, Nizamabad - 503002.
3. The Deputy General Manager, Hindustan Petroleum Corporation Limited, Having its Regional Office at Nizamabad Retail Regional Office, 6-2-151/1, First Floor, Ram Mandir Lane, Subash Nagar, Nizamabad - 503002.
4. The Sales Officer, Hindustan Petroleum Corporation Limited, Nizamabad District.

...APPELLANTS/RESPONDENT Nos.2 to 5

AND

1. Gangawar Pruthviraj, S/o Gangawar Mahesh, Aged about 28 years, Occ Business, R/o H.No.11-99/1/B, Jukkal Village, Mandal Jukkal, District Kamareddy, Telangana - 503305.

...RESPONDENT/WRIT PETITIONER

2. The Union of India, Represented by its Secretary, Ministry of Petroleum and Natural Gas, Central Secretariat, New Delhi.

...RESPONDENT/RESPONDENT

I.A. NO: 1 OF 2026

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 suspend the operation of the Order dated 28.07.2026 passed in W.P.No.24469 of 2026, including the direction to the 2nd Appellant to consider Application No.HPC16955751694185 dated 24.09.2023 within four weeks, pending disposal of W.A.No.1017 of 2026.

Counsel for the Appellants: SRI THOOM SRINIVAS

Counsel for the Respondent No.1: SRI PRAMOD SINGH

**Counsel for the Respondent No.2: SRI ANIRUDH SOMA, REP.
SRI N.BHUJANGA RAO,
DEPUTY SOLICITOR GENERAL OF INDIA**

The Court delivered the following: JUDGMENT

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY

WRIT APPEAL No.1017 of 2026
(CNR No.HBHC010605932026)

Dated:21.09.2026

Between:

Hindustan Petroleum Corporation Limited,
Represented by its Chairman and Managing Director,
Having its Registered Office at Petroleum House,
17, Jamshedji Tata Road,
Mumbai, Maharashtra – 400 020,
and 3 others.

...Appellants

and

Gangawar Pruthviraj
and another.

...Respondents

JUDGMENT:

Learned counsel Sri Thoom Srinivas appears for the appellants.

Learned counsel Sri Pramod Singh appears for respondent No.1.

Learned counsel Sri Anirudh Soma, representing Sri N.Bhujangan Rao, learned Deputy Solicitor General of India, appears for respondent No.2.

2. The appellants – Hindustan Petroleum Corporation Limited, are respondents No.2 to 5 in W.P.No.24469 of 2026. The said writ petition was preferred by respondent No.1 challenging the action of appellant No.2 herein in issuing the letter dated 17.10.2025 rejecting/returning his application dated 24.09.2023 for setting up Regular Retail Outlet Dealership at the location “From Fhatlapur Village to Pitlam, on NH”, Kamareddy District, Telangana, under the open category and in returning the demand drafts for security deposit and bid deposit solely on the ground of pendency of a generic Special Leave Petition (Civil) No.14676 of 2025 before the Hon’ble Supreme Court, despite having cleared all regional and revenue requirements, as illegal and arbitrary.

3. The matter was heard by the learned writ court, but the appellants were not allowed an opportunity to file the counter affidavit. On the part of the appellants, a plea was taken that in the Special Leave Petition (Civil) No.14676 of 2025 pending before the Hon’ble Supreme Court, the question of requirement of possession of land at the time of application was under consideration and the Apex Court had passed a

status quo order. On the part of the writ petitioner, it was pointed out that the said *lis* related to a claim for similar retail outlet between two competing parties. Clause 10 of the lease deed in the said case was interpreted in favour of the writ petitioner and upheld by the learned Division Bench of this court in W.A.No.103 of 2025 against which the Special Leave Petition was preferred by the other competitor in which the order of *status quo* was passed. The said order of *status quo*, therefore, could not operate in *rem*. The learned writ court took into consideration this fact and directed the appellants to consider the writ petitioner's application in the light of the observations made therein and pass appropriate orders within a period of four weeks. The impugned order has, after taking note of the *status quo* order in the pending Special Leave Petition, opined that the same cannot act in *rem* and the issue of possession to be delivered to the lessee by the lessor after grant of licence was considered in W.P.No.33756 of 2024 and affirmed in W.A.No.103 of 2025, which order has not been suspended by the Hon'ble Supreme Court.

4. We have considered the submissions of the learned counsel for the parties and the relevant facts taken note above.

5. Clause 10 of the lease deed in issue dated 21.09.2023, upon which learned counsel for the appellants has relied upon, and Clause 10 of the lease deed dated 08.09.2023 referred to in W.P.No.33756 of 2024 which was decided earlier, are one and the same and are extracted hereunder:

Clause 10 of the lease deed dated 21.09.2023 (present writ petition):

“10. The Lessor shall put the lessee in actual possession of schedule property immediately after the Lessee is issued with Letter of Indent by the concerned Oil companies and since then, the Lessee would be entitled to hold the leased premises together with all ways, passages, lights, drains, sewers, water courses, easements and appurtenances whatsoever.”

Clause 10 of the lease deed dated 08.09.2023 (W.P.No.33756 of 2024):

“10. The Lessor shall put the lessee in actual possession of schedule property immediately after the Lessee is issued with Letter of Indent by the concerned Oil companies and since then, the Lessee would be entitled to hold the leased premises together with all ways, passages, lights, drains, sewers, water courses, easements and appurtenances whatsoever.”

6. The learned writ court, in the aforesaid circumstances, directed the appellant No.2 to consider the writ petitioner's application in the light of the observations made at paragraph 6 therein and pass appropriate orders in accordance with law. However, the learned writ court in the observations at paragraph 6 of the impugned order held that the writ petitioner is entitled for the relief in any case. In such a case, the consideration of the writ petitioner's application by the appellants was not left to be made on independent lines. The appellants had not got any opportunity to file the counter affidavit in the matter.

7. In such circumstances, we are of the view that the observations made by the learned writ court at paragraph 6 of the impugned order should not come into the way in consideration of the writ petitioner's application for grant of the subject Regular Retail Outlet Dealership. The impugned direction is modified to that extent. The appellants shall pass a reasoned order taking into note the relevant material facts on interpretation of Clause 10 of the lease deed, the order of *status quo* passed in the Special Leave Petition and whether the case of the writ petitioner stands on the same footing or not. Let such decision be taken within a period of four weeks from today.

8. The writ appeal is accordingly disposed of. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

**SD/- A.V.S.PRASAD
DEPUTY REGISTRAR**

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SECTION OFFICER

To,

1. The Secretary, Ministry of Petroleum and Natural Gas, Central Secretariat, New Delhi, Union of India.
 2. The Chairman and Managing Director, Hindustan Petroleum Corporation Limited, Having its Registered Office at Petroleum House, 17, Jamshedji Tata Road, Mumbai, Maharashtra - 400020.
 3. The Chief Regional Manager, Retail, Hindustan Petroleum Corporation Limited, Having its Regional Office at Nizamabad Retail Region Office, 6-2-151/1, First Floor, Ram Mandir Lane, Subash Nagar, Nizamabad - 503002.
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 5. The Sales Officer, Hindustan Petroleum Corporation Limited, Nizamabad District.
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6. One CC to SRI THOOM SRINIVAS, Advocate [OPUC]
7. One CC to SRI PRAMOD SINGH, Advocate [OPUC]
8. One CC to SRI N.BHUVANGA RAO, DEPUTY SOLICITOR GENERAL OF INDIA, High Court for the State of Telangana at Hyderabad [OPUC]
9. Two CD Copies

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TKS

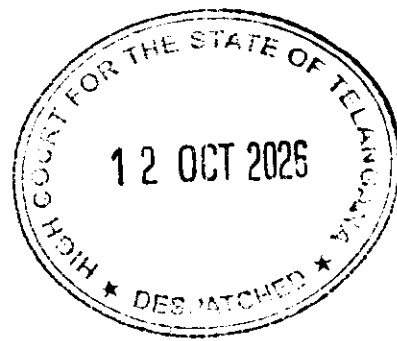
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HIGH COURT

DATED: 21/09/2026

JUDGMENT

WA.No.1017 of 2026



**DISPOSING OF THE WRIT APPEAL,
WITHOUT COSTS**

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