

ITEM NO.12

COURT NO.13

SECTION XV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No. 26778/2026

[Arising out of impugned final judgment and order dated 20-04-2026 in DBCSAW No. 204/2026 passed by the High Court of Judicature for Rajasthan at Jaipur]

SUMA MINERALS PRIVATE LIMITED

Petitioner(s)

VERSUS

INDIAN OIL CORPORATION LIMITED & ORS.

Respondent(s)

FOR ADMISSION

IA No. 227345/2026 - EXEMPTION FROM FILING O.T.

Date : 17-09-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UJJAL BHUYAN
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) : Mr. P.S. Patwalia, Sr. Adv.
Mr. Suraj Prakash, Adv.
Mr. Rithik Dhariwal, Adv.
Mr. Satya Kam Sharma, AOR
Mr. Varun Singh, Adv.

For Respondent(s) : Ms. Rekha Palli, Sr. Adv.
Mr. Amit Meharia, Adv.
Ms. Tannishtha Singh, Adv.
Mr. Abinash Agarwal, Adv.
Mr. Sambhav, Adv.
Mr. Anish Venkatesh Bindlish, Adv.
Ms. Shailvi Gupta, Adv.
M/S.Meharia & Company, AOR

Mr. K.M. Nataraj, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Mr. Anuj Udupa, Adv.
Mr. Vinayak Sharma, Adv.
Mr. Padmesh Mishra, Adv.
Mr. Sandeep Singh A, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Heard Mr. P.S. Patwalia, learned senior counsel for the petitioner and Ms. Rekha Palli, learned senior counsel for respondent Nos. 1 to 3.

2. Petitioner is aggrieved by order dated 20.04.2026, passed by a Division Bench of the High Court of judicature for Rajasthan, Bench at Jaipur (briefly the 'High Court' hereinafter) which had set aside the order of the learned Single Judge dated 23.02.2026. The petitioner herein has filed the related writ petition which is being adjudicated by the learned Single Judge seeking the following relief:

(i) The respondent corporation may be directed to vacate the land in question forthwith and hand over peaceful possession of the land being-piece or parcel of land 60 x 150ft = 9000 Sq Ft. situated at Ajmer Road, Madanganj Kishangarh, Distt. Ajmer to the petitioner.

(ii) The respondent corporation may be directed to clear dues of the petitioner in the form of lease and dealership charges amongst others with interest at the rate of 18% per annum.

(iii) The respondent corporation may be saddled with penalty for illegally possessing the land in question and thus, be directed to not only make payment of the rent till the date of handing over the possession.

(iv) The respondent corporation may be directed to refund the amount of the unsold

stock of petroleum products lying at the petrol pump premises.

3. In the pending writ proceedings, petitioner filed a Miscellaneous Application seeking the following relief:

Direct the Respondents to forthwith remove all equipments, fixtures, structures, and unsold petroleum product stock from the leased land in question during the pendency of the present writ petition;

4. Learned Single Judge *vide* the Order dated 23.02.2026 passed the following order:

This Court finds that it is an undisputed fact that petroleum products are lying at the site, which are hazardous in nature and may cause an accident in the future. Therefore, without expressing any opinion on the merits of the case, this Court deems it appropriate to direct IOCL to take appropriate steps for the removal of the petroleum products from the site in dispute.

It is also expected that Petroleum and Explosives Safety Organization (PESO) shall provide all necessary assistance required for the removal of the said petroleum products. The entire exercise shall be carried out within a period of 15 days from today.

5. We find that the Writ Petition being SB Civil Writ Petition No. 13951 of 2024 is pending before the Single Bench.

6. As noticed *supra*, the Division Bench by the impugned order dated 20.04.2026 allowed the writ appeal preferred by the first

respondent and its officers taking the view that directions issued by the learned Single Judge amounted to granting of final relief in the writ petition which could not have been done at the interlocutory stage. Consequently, the direction of the learned Single Judge was set aside.

7. On 10.08.2026, while issuing notice, we had made a *prima facie* observation that we are not in agreement with the view expressed by the Division Bench.

8. Ms. Rekha Palli, learned senior counsel for respondent Nos. 1 to 3 submits that there are practical difficulties in complying with the directions of the learned Single Judge. It is the petitioner who has to first obtain permission for doing the needful. However, this is seriously objected to by Mr. Patwalia, learned senior counsel for the petitioner.

9. Since the matter is pending adjudication before the Single Bench of the High Court, we are of the view that it would be just and appropriate if the parties are relegated to the forum of the Single Bench for a final decision on merit.

10. Accordingly, we set aside the impugned order of the Division Bench and relegate the parties to the forum of the learned Single Judge for adjudication of the writ petition. Without expressing any opinion on the rival submissions, we make it clear that it would be open to the parties to seek clarification of the order dated 23.02.2026. All contentions are kept open.

11. We request the learned Single Judge to decide the writ petition expeditiously.

12. Special Leave Petition is accordingly disposed of.

13. Pending application(s), if any, shall also stand disposed of.

**(IRAMNAZ)
COURT MASTER (SH)**

**(CHETNA BALOONI)
COURT MASTER (NSH)**