



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No.254 of 2026

Decided on : 06.05.2026

District Kangra Pvt. Bus Operators Welfare Society (Regd.)
...appellant.

Versus

Union of India and Others. ...Respondents.

Coram

Hon'ble Mr. Gurmeet Singh Sandhawalia, Chief Justice.

Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?¹

For the appellant : Mr. Ajay Sharma, Sr. Advocate with Mr. Atharv Sharma, Advocate.

For the respondent(s) : Mr. Harish Sharma, Sr. Panel Counsel, for respondent No.1.

Mr. Sidharth Jalta, Deputy Advocate General, for respondents No.2 to 4.

Ms. Shrutika Chauhan, Advocate, for respondent No.5.

Bipin Chander Negi, Judge

The present appeal has been preferred against the impugned order dated 16.03.2026, passed by the learned Single Judge in ***CMP No.4396 of 2026 in CWP No.3048 of 2026, titled District Kangra Pvt Bus Operators Welfare Society Vs. UOI and Ors***, whereby an application filed by the present appellants along with the writ petition seeking interim relief has been dismissed.

2. The appellants are private bus operators. Their



prime grievance pending consideration in the writ petition before the learned Single Judge is qua plying of JnNURM buses. In this respect, it is submitted that the respondent-Corporation (Respondent No.5) and Bus Stand Management and Adda Authority (respondent No.6) are plying JnNURM Buses contrary to scheme (Annexure P-2 placed at page 44 of the paper book). Further it is contended that the aforesaid buses are being plied by respondent Nos.5 and 6 in contravention of the judgment of this Court. The judgments alleged to be infringed have been placed at Annexure P-6 (pages 113/115 of the paper book).

3. Heard counsel for the appellant and perused the record.

4. The judgments whereupon reliance has been placed are of no avail to the present appellant. Insofar as the judgment in CWP No.332 of 2016, titled Vijay Thakur and Anr. Vs. State of HP and Ors, decided on 15.02.2016, is concerned, the same permits the petitioners therein to make a representation to the concerned authority, who would then look into the grievances. No legal issue was decided in the aforesaid case.



5. Besides the aforesaid, reliance has been placed on the judgment passed in CWP No.331 of 2016, titled Sukhdev Sharma Vs. State of HP and Ors., decided on 15.02.2016, herein again the petition was disposed of at the admission stage and the respondents therein were directed to take into consideration the relevant guidelines while issuing route permits. Hence, it is evident that in the aforesaid judgment, no law has been laid down.

6. With respect to the assertion that JnNURM are running contrary to the scheme i.e. Annexure P-2 (placed at page 44 of the paper book), the learned Single Judge has correctly observed that the truth of said assertion can only be ascertained once reply to the petition is filed.

7. Besides the aforesaid, from a perusal of the reliefs claimed, it is evident that the relief being claimed in the main petition and in the interim are identical. In the main petition as well as in the interim, appellant is seeking stoppage of plying of JnNURM buses. Grant of interim in such cases was considered by the Apex Court in ***Deoraj Vs. State of HP and Others (2004) 4 SCC 697***. Therein the Apex Court was of the view that it is only in rare and exceptional cases wherein



compelling circumstances depicting immediate injury, extreme hardship are shown that interim relief can be granted. Other than the aforesaid, the Apex Court was of the view that wherein non-grant of an interim would tantamount to dismissal of main petition itself then also interim relief should not be denied. Besides in such cases existence of a very strong prima facie case much higher than prima facie case along with considerations of balance of convenience and irreparable injury have to be made out. The relevant extract of **Deoraj** (supra) reads as follow:-

"12. Situations emerge where the granting of an interim relief would tantamount to granting the final relief itself. And then there may be converse cases where withholding of an interim relief would tantamount to dismissal of main petition itself; for, by the time the main matter comes up for hearing there would be nothing left to be allowed as relief to the petitioner though all the findings may be in his favour. In such cases the availability of a very strong prima facie case of a standard much higher than just prima facie case, the considerations of balance of convenience and irreparable injury forcefully tilting the balance of case totally in favour of the applicant may persuade the Court to grant an interim relief though it amounts to granting the final relief itself. Of course, such would be rare and exceptional cases. The Court would grant such an interim relief only if satisfied that withholding of it would prick the conscience of the Court and do violence to the sense of justice, resulting in injustice being perpetuated throughout the hearing, and at the end



the Court would not be able to vindicate the cause of justice. Obviously such would be rare cases accompanied by compelling circumstances, where the injury complained of is immediate and pressing and would cause extreme hardship. The conduct of the parties shall also have to be seen and the Court may put the parties on such terms as may be prudent."

8. From a perusal of the record, it is evident that the grievance qua which the present appeal has been filed, is being raised by the appellant since 26.10.2021. Representations raising grievance of the appellant have been collectively appended along with petition as Annexure P-6 (page 106 onwards). The same are dated 26.10.2021, 16.11.2024 and 09.07.2025. Suffice it to state that delay in approaching the Court is a good ground for refusal of interim relief. In this respect, reference can be made to the judgment of the Apex Court in ***Zenit Mataplast Private Limited Vs. State of Maharashtra and Others (2009) 10 SCC 388.***

The relevant extract reads as follow:-

"38. The delay in approaching the Court is of course a good ground for refusal of interim relief, but in exceptional circumstances, where the case of a party is based on fundamental rights guaranteed under the Constitution and there is an apprehension that suit property may be developed in a manner that it acquires irretrievable situation, the Court may grant relief even



at a belated stage provided the court is satisfied that the applicant has not been negligent in pursuing the case.”

9. The facts of the present case do not come within the exceptions mentioned supra in ***Zenit Mataplast Private Ltd.***

10. Thus, for the aforesaid reasons, we are of the considered view that the present appeal is bereft of merit, therefore, the same is dismissed accordingly.

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

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

06th May, 2026
(Gaurav Rawat)