

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 12925 of 2016

ORDER:-

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies appearing for the respondents.

The petitioner is a proprietary concern and doing business in sale of petroleum products. While so, basing on a report of the 3rd respondent dated 08.04.2016 that he along with the Vigilance and Enforcement Officials visited the business premises of the petitioner on 06.04.2016 and found 683 ltrs. of high speed diesel in excess and also found certain irregularities and seized the available stock of motor spirit and high speed diesel, the 2nd respondent suspended the authorization of the petitioner pending enquiry vide proceedings No.CS6/568/2016, dated 09.04.2016. Questioning the same, the present writ petition is filed.

Learned counsel for the petitioner strenuously contends that the impugned order could not have been passed as notice as required under Clause 28(1) of A.P. Petroleum Products (Licensing and Regulation Restrictions) Order, 1980 has not been issued, that the procedure in conducting enquiry and panchnama and

taking dip measurement has not been followed, and that the impugned order also does not indicate whether the same has been resorted to pending proceedings to be initiated under Section 6-A of Essential Commodities Act or for violation of the Control Order. In support of his contentions, he relied on the judgments of this Court in ***Manikeshwari Agencies Vs. Joint Collector, Rangareddy***^[1] and ***Filmore Service Station Vs. Joint Collector and others***^[2].

On the other hand, learned Government Pleader for Civil Supplies opposes the writ petition and submits that the 2nd respondent suspended the authorization of the petitioner pending enquiry and the same is clear from the impugned order. The relevant portion of which reads as under:

“The Licensing Authority having examined the report of the Assistant Supply Officer, Gadwal and having found that the variation in HSD to be beyond the permissible limits and also as the licensee is found to be conducting the business in violation of licensing conditions. It is felt necessary to initiate disciplinary action against the licensee.

Since the licensee is found conducting business in petroleum products in violation of licensing conditions pending enquiry it is hereby ordered for interim suspension of the license bearing No.12/80 valid up to 31.12.2017 issued to M/s. Bheemanna HPCL Dealer, Gadwal for conducting business in MS and HSD under Clause 28(2) of APPP (L&RS) Order, 1980 with immediate effect.”

Perused the record and relevant control order. The above quoted portion of the impugned order leaves no room that the suspension has been resorted to pending enquiry for violating the licensing conditions. It is to be kept in mind that the licence is issued in terms of the control order. Since the 2nd respondent suspended the authorization of the petitioner pending enquiry, it cannot be said that it is made de hors the control order. Therefore, the argument of the learned counsel for the petitioner is not acceptable. However, considering the fact that no notice, as such, is issued till date for conducting enquiry, the writ petition can be disposed of with a direction to the 2nd respondent to complete the enquiry.

Accordingly, the Writ Petition is disposed of with a direction to the 2nd respondent to complete the enquiry within a period of six (6) weeks from the date of receipt of a copy of this order and pass appropriate orders after taking into consideration the explanation of the petitioner and by giving an opportunity of hearing to the petitioner. It is made clear that the observations made herein shall not be construed as expressing any opinion with respect to merits of the matter. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

CHALLA KODANDA RAM, J

19th April, 2016
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[\[1\]](#) 2001(3) ALD 111

[\[2\]](#) 1995(1) ALT 191