

CWP No.14521 of 2014

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

CWP No.14521 of 2014 (O&M)

Date of decision: 07.04.2016

Bharat Petroleum Corporation Limited

....Petitioner

Versus

The District Magistrate, Sangrur

....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

Present: - Mr. Raman Sharma, Advocate, for the petitioner.

Mr. S.S. Chandumajra, Addl. A.G., Punjab.

Mr. Sanjiv Gupta, Advocate, for the applicant

in CM Nos.14181-82 of 2015

PARAMJEET SINGH DHALIWAL, J. (ORAL)

CM Nos.14181-82 of 2015

Learned counsel for the applicants wants to withdraw these applications.

Dismissed as withdrawn.

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Instant writ petition under Articles 226/227 of the Constitution of India has been filed for quashing the order dated 29.01.2014 (Annexure P-1) passed by respondent No.1 – District Magistrate, Sangrur, whereby 'No Objection Certificate' issued to the petitioner has been cancelled.

Brief facts of the case are that petitioner intended to set up a retail outlet in Village Salemgarh, Tehsil Moonak, District Sangrur and for that purpose certain 'No Objection Certificates' from various authorities were required. One 'No Objection Certificate' was required

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from the District Magistrate, Sangrur. The District Magistrate, Sangrur vide order dated 13.11.2003 (Annexure P-8) granted permission for installation of MS/HDS retail outlet at Village Salemgarh on Patran-Moonak road by the petitioner. The permission granted vide order dated 13.11.2003 (Annexure P-8) has been revoked by the District Magistrate, Sangrur vide order dated 29.01.2014 (Annexure P-1). Hence, this writ petition.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioner vehemently contended that petitioner had taken the land on lease from Smt. Naresh Jain wife of Sh. Amrit Lal resident of H. No.190, Ward No.2, Old Anaj Mandi, Tohana and M/s Dharam Chand Sant Lal has been given the ad hoc dealership to operate the said outlet. During the year 2010, there were floods in the area as a result of which there was leakage of petroleum products which are highly inflammable and could have caused loss to human life had a fire broken out in the area. Keeping in view this fact, the NOC appears to have been recalled. Learned counsel for the petitioner contends that NOC was issued in the name of the petitioner, however, it was not afforded an opportunity of hearing to explain the circumstances and the existing situation and that now there is no problem with regard to the floods as preventive measures have already been taken by the petitioner and other authorities.

The only argument raised by learned counsel for the petitioner is that the NOC was issued in the name of the petitioner and the same

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has been revoked without giving opportunity of hearing to the petitioner. Perusal of record also shows that no opportunity of hearing has been given to the petitioner in whose name 'No Objection Certificate' was issued, however, it was given to M/s Dharam Chand Sant Lal. The fact remains that vide order 13.11.2003 (Annexure P-8) NOC was issued in the name of the petitioner company and the ad hoc dealership was in the name of M/s Dharam Chand Sant Lal.

In view of the fact that no opportunity of hearing has been given to the petitioner, impugned order dated 29.01.2014 (Annexure P-1) is set aside and the case is remitted back to the District Magistrate, Sangrur. The District Magistrate shall pass fresh order in accordance with law, with regard to NOC after hearing the petitioner and other relevant parties, including lessor, ad hoc dealer, if they are still having any right. The needful shall be done within a period of three months from the date of receipt of certified copy of this order.

Disposed of.

(Paramjeet Singh Dhaliwal)
Judge

April 07, 2016
R.S.