

**CWP No. 22752 of 2013(O&M)****Date of decision:9.05.2016****Shabuddin****.....Petitioner****versus****Indian Oil Coop. Division, Gurgaon and others****.....Respondents****Coram: Hon'ble Mr.Justice Rakesh Kumar Jain****Present:** None for the petitioner.

Mr. Ashish Kapoor, Advocate  
for respondent No. 1.

Mr. P.P.Chahar, DAG, Haryana.

**Rakesh Kumar Jain, J.(Oral)**

State counsel has submitted that the only prayer made in this petition is to quash the order by which the prayer made by the petitioner for issuance of No Objection Certificate(NOC) has been declined for the establishment of the petrol pump. He has further submitted that the petitioner has an effective alternative remedy of an appeal as per Section 154(2) of Petroleum Rules, 2002 which reads as under:-

*“An appeal against any order of the  
District Authority refusing to grant or  
cancelling a no objection certificate shall lie  
to the authority which is immediately  
superior to the said District Authority.”*

Meaning thereby, the appeal would lie to the  
Commissioner of the Division.

In view of the aforesaid, the present petition is not maintainable in the present form because of the availability of statutory remedy of appeal.

Disposed of with liberty to the petitioner to avail the said remedy in accordance with law, if so advised.

**9<sup>th</sup> May, 2016**

**Shivani Kaushik**

**[Rakesh Kumar Jain]  
Judge**