

In the High Court of Punjab and Haryana at Chandigarh.

**CWP No. 23289 of 2014
Decided on 14.1.2016**

Bharat Petroleum Corporation Limited.

--Petitioner

Vs.

District Magistrate, Gurgaon

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

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

Mr. P.P.Chahar, DAG, Haryana

Rakesh Kumar Jain,J: (Oral)

This petition is filed by the Bharat Petroleum Corporation Limited, to challenge the order dated 27.5.2013, passed by the District Magistrate, Gurgaon under Rule 150 of the Petroleum Rules, 2002 (for short, 'the Rules')

Learned counsel for the petitioner has submitted that NOC was issued to the petitioner by the District Magistrate, Gurgaon under Rule 144 of the Rules which has now been cancelled in terms of Rule 150, though the petitioner has applied removing all the objections raised and, therefore, the order passed by the District Magistrate, is without jurisdiction.

Learned counsel for the respondent has, however, referred to

Rule 154 (2) of the Rules to contend that the order passed by the District Magistrate, Gurgaon, is appealable, which is reproduced below:-

Rule 154 (2): “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”

Faced with this submission of the learned counsel for the respondent, learned counsel for the petitioner prays for withdrawal of this petition in order to avail his remedy of appeal under Rule 154 (2) of the Rules but has also submitted that since the appeal was to be filed within 60 days, therefore, the time spent by him in this Court in pursuing this petition may be ordered to be excluded.

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

The petitioner may avail the remedy of appeal, if so advised, while taking recourse to the provisions of Limitation Act, 1963. It is further observed that in case any application for condonation of delay is filed, the same shall be considered sympathetically by the appellate Authority.

This writ petition is disposed of.

14.1.2016
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(Rakesh Kumar Jain)
Judge