

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.44250 OF 2017

ORDER:

The grievance of the petitioner is that petitioner's licence issued under A.P. Petroleum Products (Licensing and Regulation of Supplies) Order, 1980 was suspended on 10-05-2017 by the 4th respondent. Against the same, the petitioner has filed appeal on 09-06-2017 before the 2nd respondent along with stay petition. But no orders are passed on the same. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner submits that inspection was done by the authorities of Petroleum Company and found that there are no variations and allegations made in the impugned order are all minor in nature and does not attract extreme measure of suspension.

Sri B.Mayur Reddy, learned Standing Counsel for respondents 5 and 6 also says that allegations made against the petitioner are minor in nature and they attract penalty and not suspension pending enquiry and referred to 8.4 of Chapter VIII of Marketing Discipline Guidelines, 2012, which reads as under:

“ 8.4: Minor Irregularities: The following irregularities are classified as minor irregularities:

i. Short delivery with Weights and measures Department s' seals intact where the dealer has not informed the OMC of this defect (5.1.2(a)).

ii....

iii.....

iv.....

Action in case of (i) above would be a under:

First instance: warning letter to be issued Second instance within one year of 1st instance Rs.10,000/- per nozzle found delivering short.

Third and subsequent instances within one year of 1st instance: Rs.25,000/- per nozzle found delivering short."

On the other hand, learned Government Pleader for Civil Supplies vehemently opposed the same and states that the petitioner is tampering the seals by referring to some contents of panchanama.

The impugned order contains the following allegations as under:

1. When they have measured 5 Ltrs. Of Petrol delivered through their pump and the same was found as 560 ML shortage.
2. When they have measured 5 Ltrs. Of Diesel delivered through their pump and the same was found as 350 ML shortage.

It is to be seen that as on today, no show-cause notice is issued and no orders are passed, though the petitioner has filed appeal on 09-06-2017. Even according to Petroleum Company, the violations are in minor in nature.

In view of the same, the 2nd respondent is directed to dispose of the appeal filed by the petitioner. Pending the appeal, there shall be suspension of impugned order dated 10-05-2017 and the respondents are directed to permit the petitioner to operate the business.

Accordingly, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

26-12-2017
Nvl

A.RAJASHEKER REDDY,J





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A.RAJASHEKER REDDY,J

07-11-2017
Nvl



