

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.3657 of 2018

ORDER:

Order, dated 29.01.2018, passed by the second respondent – Joint Collector and Additional District Magistrate, Anantapuramu, suspending Form-B license of petitioner, under the provisions of the Andhra Pradesh Petroleum Products (Licensing and Regulation of Supplies) Order, 1980 (for short 'the 1980 Order'), is challenged in this Writ Petition.

Learned counsel for the petitioner submits that the order impugned suffers from the vice of violation of principles of natural justice, particularly, Sub-Clause (2) of Clause 28 of the 1980 Order; that the order impugned appeared to have been passed imposing on the petitioner the punishment of suspension of Form-B license rather than suspension pending enquiry; that on even date, the petitioner was served with a notice calling for explanation with respect to the allegations mentioned therein; that the petitioner would submit explanation and that in the order impugned, neither any period is specified nor it is mentioned as suspension pending enquiry, as such, it would have to be treated as an order of punishment imposed on the petitioner without providing an opportunity of hearing.

Learned Government Pleader for Civil Supplies submits that on enquiry, it was found that the petitioner has violated various conditions of authorization apart from collecting excess amounts from the consumers; that a show cause notice was also issued to the petitioner calling for his explanation; that the very suspension of Form-B license was based on the report of the field staff; that the petitioner is habitually committing irregularities while redelivering refills, causing inconvenience to the consumers and that there is an alternative remedy of appeal provided to the petitioner and therefore, prays for dismissal of the Writ Petition.

Having considered the respective submissions and having perused the material on record, it is to be noted that the order impugned has to be treated as an order of punishment as there is no time limit specified nor it is stated therein that it is a suspension pending enquiry, and it is passed as if there is no requirement of either giving notice to the petitioner or affording an opportunity of personal hearing before passing any such order and the same is in violation of Sub-Clause (1) of Clause 29 of the 1980 Order.

In those circumstances, the order impugned is set aside purely on technical grounds and the Writ Petition is allowed leaving it open to the respondents to pass orders in accordance with law.

Miscellaneous Petitions, if any pending shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

9th FEBRUARY, 2018.

Note: issue c.c. in one week.

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