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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO 22/2017, CM APPL. 1445/2017

INDRAPRASHTA GAS LIMITED & ANR

..... Appellants

Through: Mr. K.K. Rai, Sr. Adv. with Mr. S.K. Pandey, Mr. Chandra Shekhar A.C., Mr. Anshul Rai and Mr. Awanish Kumar, Advs.

versus

RAKESH FILING STATION

..... Respondent

Through: Mr. Sunil Chaudhary and Mr. Akhilesh Arora, Advs.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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07.02.2018

The learned Senior Advocate for the appellants submits that the endeavour to settle the *lis* amicably has not yielded any favourable results. He submits that supply of CNG to the respondent cannot be resumed because according to the extant information available at the website of the Petroleum and Explosives Safety Organisation (PESO), the requisite licence in favour of the respondent is presently not valid and the necessary documents have not been supplied by them to the Indian Oil Corporation Limited (IOCL). However, the learned counsel for the respondent submits that this document pertains to the year 2013 and his application for renewal of his licence is pending even today. On specific enquiry to the learned counsel for the respondent whether the application for renewal of the PESO licence is pending, his answer is in the negative.

The learned counsel for the appellant submits that for the renewal of the earlier licence, a Hydraulic Testing Certificate has to be issued by the IGL in favour of the IOCL. Let the same be issued upon the necessary testing been performed in the next two weeks. The Cylinder Test Records as per CCE circular dated C.VIII (3)125/Circular /GCR dated 24/05/2013 shall be issued by the IOCL within 15 days from today.

The Officers and Technical Team concerned of the appellants who are required for performing the aforesaid test shall be free to enter the filling station premises of the respondent on any date in the week commencing 12.02.2018 and on such dates as may be requisite for performing the test. The learned counsel for the respondent submits that all cooperation shall be extended to the said team.

In view of the above, the CNG supply to the respondent's filling station cannot be resumed till such time that an appropriate licence is available with the IOCL/the respondent. Accordingly, the moment such licence is issued in favour of the respondent, they shall intimate the appellant of the same and the appellant shall resume the supply of CNG within a week thereafter.

The appeal stands disposed off in terms of the order dated 24.01.2018 and as directed hereinabove.

NAJMI WAZIRI, J

FEBRUARY 07, 2018/ACM