

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4975 OF 2019

DATED :26.03.2019

Between :

Sri Sai Falaknuma Service Station,
Rep., by its Proprietor N.Gnaneswar,
S/o.late N.Narsimha, Aged about 58 yrs,
Occi : Business, R/o.18-2-474/3, Jangammet,
Falaknuma, Hyderabad-53.

..

Petitioner

And

Hindustan Petroleum Corporation Limited,
Rep., by its Chairman and Managing Director,
Registered Office at Petroleum House, 17,
Jamshedji TATA Road, Mumbai & another

..

Respondents

This court made the following :

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ORDER :

Heard learned counsel for the petitioner and Sri B.Mayur Reddy, learned Standing counsel for the respondents.

2. Petitioner has established a retail petroleum outlet in the name and style of Sri Sai Falaknuma Service Station, bearing D.No.18-2-474/3, Jangammet, Falaknuma, Hyderabad. In this writ petition, petitioner challenges the show cause notice dated 22.01.2018 issued by the 2nd respondent.

3. On 22.01.2018 a show cause notice was generated against the petitioner petroleum retail outlet alleging that it indulged in adulteration of MS; that toilets were not cleanly maintained and some other irregularities were also noticed and called upon the petitioner to show cause why necessary action should not be taken against him on the above violations.

4. On 06.02.2018, petitioner filed his explanation to the show cause notice. It appears, personal hearing was conducted on 01.03.2018. Petitioner attended for personal hearing and made his submissions. The matter stands at the stage of passing final orders on consideration of explanation and the submissions made during the course of personal hearing.

5. On a specific question posed by this Court learned counsel for the petitioner fairly submits that the Deputy General Manager is the competent authority to issue show cause notice. Though competency of the officer who issued show cause notice is not disputed, at this stage, learned counsel for the petitioner

sought to point out that the allegations leveled in the show cause notice are not valid. He also sought to contend that after the show cause notice, supplies are not made to the petitioner, even though requisite amount was deposited and virtually stopping functioning of the retail outlet, even though no final decision is made.

6. As challenge in the writ petition is against show cause notice, the parameters of judicial review against show cause notice is very limited, when the competency of the officer who issued show cause notice is not disputed. Merely because petitioner contends that the reasons assigned may not be valid or no decision is made so far or supplies are not made after the show cause notice cannot be the grounds to test the validity of show cause notice. Thus, the writ petition is liable to be dismissed and is accordingly dismissed. However, it is made clear that there is no expression of opinion on merits and it is left open to the petitioner to avail appropriate remedy as available in law, if any adverse final decision is made by the respondent-Corporation. It is also left open to the petitioner to work out his remedies on the allegation of not supplying the petroleum products. Pending miscellaneous petitions, if any, shall stand closed.

26th March, 2019
Rds

P.NAVEEN RAO,J