

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 7585 of 2019

ORDER:

Proceedings No.CS6/28/2019 dated 25.01.2019 issued by respondent No.2-District (Civil Supplies), Nagarkurnool, suspending Form-B licence of the petitioner are challenged in this writ petition.

The Assistant Civil Supply Officer and Deputy Tahsildar (CS) (Enft), Kalwakurthy, along with Vigilance & Enforcement Team conducted a surprise check in the premises of the petitioner, who is the wholesale dealer in kerosene, on 25.01.2019 and found that there being variation with respect to the stock and thereby, they have seized 13808 litres of kerosene and submitted a report, dated 25.01.2019, to respondent No.2. Based on such report, respondent No.2 issued the impugned proceedings suspending Form-B licence of the petitioner, pending enquiry under Clause 28(1) of the Telangana State Petroleum (LS & R) Order, 2016 (for short '2016 Order').

Learned counsel for the petitioner submits that suspension of licence can be resorted to only when the mandatory requirements under Clause 28 (2) of 2016 Order are complied with as held by this Court in **Narasimha Oil Supplies, IOC, Nidadavolu, West Godavari District Vs. Joint Collector, West Godavari and others**¹; that as on date, no proceedings are initiated under Clause 28(2) of 2016 Order and that it is only based on the report, temporary suspension has

¹ 2003 (1) ALD (CrL.) 430 (AP)

been resorted to. In those circumstances and in the light of the settled law, the impugned proceedings are liable to be set aside.

Learned Government Pleader for Civil Supplies appearing for the respondents fairly concedes that the issue is squarely covered by the judgment of this Court referred to above and thereby, submits that the impugned proceedings may be set aside, however, leaving it open to the authorities to take appropriate action in accordance with law.

In the light of the above submission, the writ petition is allowed and the impugned proceedings are set aside. However, it is open to the respondent authorities to take appropriate action in accordance with law.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:10.04.2019

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