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HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 595 of 2019***(Arising out of order dated 01.10.2019 passed by the learned Single Judge in
Writ Petition (C) No. 1949 of 2019)*

- Satendra Singh S/o Shri Manindra Singh Aged About 45 Years R/o Ward No. 39, Bhim Dafai, Sonawani Kolli Koriya, District Koriya, Chhattisgarh.

---- Appellant**Versus**

1. Union of India Through The Ministry of Commerce And Industries Udyog Bhawan, New Delhi.
2. Controller of Explosives Petroleum And Explosives Safety Organisation (PESO) Avanti Vihar Colony, Main Road, Post Shankar Nagar Raipur, Chhattisgarh.
3. State of Chhattisgarh Through The Secretary, Department of Food And Civil Supplies, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh.
4. The Collector District Korea, Chhattisgarh.
5. Indian Oil Corporation Limited Through The Senior Divisional Manager, Divisional Office, VIP Road, Post Office Ravigram, Telibandha Raipur, Chhattisgarh.
6. M/s M.N. Roy And Sons, Indian Oil Dealer, A Partnership Firm, Through Partner Prabir Kumar Naha Roy, Post Office Haldibari (Chirimiri) Police Station Chirimiri, District Koriya, Chhattisgarh.

---- Respondents

For Appellant	:	Shri R.K. Gupta, Advocate.
For Respondents No.1 & 2:	:	Shri B. Gopa Kumar, Assistant Solicitor General.
For Respondents No.3 & 4:	:	Shri Sudeep Agrawal, Deputy Advocate General.
For Respondent No. 5	:	Shri Anand Shukla, Advocate.
For Respondent No. 6	:	Shri Shashank Thakur, Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu, Judge
Judgment on Board

P. R. Ramachandra Menon, Chief Justice**06.01.2020**

1. Heard on I.A. No. 01 of 2019, application for condonation of 13 days delay and I.A. No. 2, application for leave to appeal. For the reason stated in the

applications, we find it appropriate to condone the delay and allow the said application.

2. The appeal has been preferred by a stranger with a petition seeking for leave to challenge the verdict passed by the learned Single Judge on 01.10.2019 in Writ Petition (C) No. 1949 of 2019.
3. Heard Shri R.K Gupta, the learned counsel for the Appellant, Shri B. Gopa Kumar, Assistant Solicitor General appearing for Respondents No. 1 & 2, Shri Sudeep Agrawal, Deputy Advocate General representing the State/Departmental Authorities, Shri Anand Shukla, the learned standing counsel for the Respondent No.5/Corporation and Shri Shashank Thakur, the learned counsel appearing for the Respondent No.6, who was the Writ Petitioner.
4. The grievance projected herein is with regard to unauthorized running of a Petrol Pump, without disclosing the title or possession over the property in which the Petroleum materials are stored. The contention is that the Respondent No.6 herein, i.e. the Writ Petitioner was successful in getting the necessary licenses without satisfying the requirements; under which circumstance the lapses in this regard were pointed out. Ultimately, the Controller of Explosives, suspended the license which was sought to be challenged by filing Writ Petition (C) No. 1949 of 2019 before this Court. The suspension extended beyond 90 days and in the said circumstance, it was submitted by the Respondent/Writ Petitioner before the learned Single Judge that, by virtue of the statutory provision in terms of Rule 152 (b) of the Petroleum Rules, 2002, the Writ Petitioner might be permitted to file a fresh petition for renewal of the license and that the matter might be closed accordingly. The said submission was recorded and the writ petition was disposed of, without entering into the merits. The Appellant herein was not a party to the writ petition. It is stated that, though the merit was not decided by

the learned Single Judge, it will have a bearing with regard to course and proceedings and that there is every chance for the authority concerned to permit the Respondent No.6/Writ Petitioner to run the show, without satisfying the requirements, and hence the appeal.

5. When the matter is taken up for consideration today, it is brought to the notice of this Court that after passing the judgment, the Writ Petitioner had moved the competent authority by way of necessary petition/proceedings and after considering the same the license has been renewed. It is stated as valid till 31.12.2024. There is a contention for the Appellant that the renewal has not been effected properly with reference to the actual facts and figures and also the relevant provisions of law and that the Appellant intends to challenge granting of the renewal of license, as above.
6. In the said circumstance the learned counsel for the Appellant seeks for permission to withdraw the matter without prejudice the rights and liberties to pursue appropriate proceedings in accordance with law. It is dismissed as withdrawn.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge