

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104

CWP No.21585 of 2020
Date of decision: 15.12.2020

M/s Indian Oil Corporation Ltd.

.....Petitioner

versus

State of Haryana and Anr.

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Ashish Kapoor, Advocate
for the petitioner.

*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in Virtual Court).*

GIRISH AGNIHOTRI, J. (Oral)

Petitioner – M/s Indian Oil Corporation Ltd. has filed the present writ petition *inter alia* praying for quashing of impugned order dated 25.11.2020 (Annexure P-7) being violative of principles of natural justice as well as Articles 14 and 19(1) (g) of Constitution of India.

Learned counsel for the petitioner by making reference to pleadings in the petition submits that in fact it was in the year 2004 that the respondent No.2 had granted NOC to the petitioner. He submits that thereafter, the retail outlet was commissioned on 30.09.2005 with Smt. Anjana, as a Sole Proprietor. He further submits that the NOC from the Forest Department was made available on 20.06.2013 (Annexure P-4). He, however, submits that inspite the above, on 21.01.2020, respondent No.2 had issued notice to the petitioner stating that petitioner has not deposited

the NOC granted by the Forest Department. He submits that this NOC was immediately appended and supplied. Learned counsel, then submits that inspite the above, the impugned order has been passed on 25.11.2020 whereby exercising power under Rule 150 of the Petroleum Rules 2002, No Objection Certificate has been cancelled. It is the submission of the learned counsel that a perusal of Rule 150 of the Rules shows that the only circumstance in which District Authority is authorised to cancel the NOC is where the licensee has ceased to have any right to use the site for storing petroleum.

Notice of motion.

On the asking of Court, Ms. Palika Monga, DAG, Haryana, who is appearing through video conferencing, accepts notice on behalf of respondents-State.

Learned State counsel, however, on instructions from the Department makes two fold submissions. She, firstly submits that there is an alternate remedy of appeal under Section 154 of the Rules. She secondly, submits that a perusal of the documents dated 20.06.2013 (Annexure P-4) would show that it is a letter issued by Government of India and not by DFO, Haryana Government.

After hearing rival contention of the parties, this Court deems it appropriate to relegate the petitioner to avail alternate remedy of appeal. It is directed that in case, appeal is filed by the petitioner before the Appellate Authority, the stay application seeking permission to run the petrol pump/retail outlet, be decided expeditiously, maximum within one week

from the date of filing of the stay application.

With the above directions, the writ petition is disposed of.

(GIRISH AGNIHOTRI)
JUDGE

15.12.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No