

**CWP-22214-2020(O&M)**  
**Date of Decision: 22.12.2020**

**Indian Oil Corporation Limited** ..... Petitioner

**versus**

**State of Punjab and another ..... Respondents**

**CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA**  
**\*\*\***

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

Mr. Abhay Pal Singh Gill, AAG, Punjab.

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**TEJINDER SINGH DHINDSA, J. (ORAL)**

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

As per pleadings on record NOC dated 09.10.2020 was granted by the District Magistrate, Ludhiana to the petitioner-Corporation under Rule 144 of the Petroleum Rules 2002 for setting up a retail outlet in Khasra No. 11/6/2 in between Cheema Chowk to Samrala Chowk on Link Road, Ludhiana.

Challenge in the instant petition is to the order dated 25.11.2020 (Annexure P-6) passed by the District Magistrate, Ludhiana, whereby the NOC has been revoked.

Counsel adverts to Rule 150 of the Petroleum Rules 2002 and which mandates that a No Objection Certificate (NOC) having been granted

under Rule 144 would be liable to be cancelled/revoked only after a reasonable opportunity of being heard, is given to the licensee.

Precise contention raised is that prior to revocation of the NOC vide impugned order dated 25.11.2020 at Annexure P-6, no show cause notice/opportunity of hearing had been granted.

Notice of motion.

Mr. Abhay Pal Singh Gill, learned AAG, Punjab accepts notice on behalf of the respondents and waives service.

Since an advance copy of the petition had already been served upon the State of Punjab, learned State counsel, upon instructions from Mr. Varinder Kumar Sharma, District Magistrate, Ludhiana would concede that prior to issuance of the impugned order, no opportunity of hearing had been granted.

A very fair stand has been taken on behalf of the State that a fresh order would now be passed but after affording to the petitioner-Corporation a reasonable opportunity of being heard towards compliance of Rule 150 of the Petroleum Rules 2002.

In view of the above, the order dated 25.11.2020 (Annexure P-6) passed by the District Magistrate, Ludhiana revoking the NOC dated 09.10.2020 is set aside.

Liberty is granted to the respondent-authorities to proceed further in the matter in accordance with law and as per procedure envisaged under the Petroleum Rules 2002.

Writ petition disposed of.

It is clarified that this Court has not examined the case on merits.

(TEJINDER SINGH DHINDSA)  
JUDGE

22.12. 2020  
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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |