

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4545 OF 2021

M/s Pande Petroleum,
Through its Proprietary
Deviprasad Chunnilal Pande

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr S.B. Deshpande, Advocate holding for
Mr P.S. Gaikwad, Advocate for Petitioner
Mr D.R. Kale, I/c Government Pleader for Respondent-State

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 15th MARCH, 2021

PER COURT :

1. Mr Deshpande, the learned counsel submits that No Objection Certificate (NOC) has been issued by the Collector for running the retail outlet. The Collector has no jurisdiction to entertain the proceeding for cancellation of the NOC except on the ground that the licensee has ceased to have any right to use the site for storing petroleum. The learned counsel submits that the Rule 150 of the Petroleum Rules, 2002 would not entitle the Collector to entertain the proceeding filed by the present respondent Nos. 4 and 5. The learned counsel also points out the interim orders passed by this Court in Writ Petition No. 1137 of 2021 dated 20th January, 2021.

2. We have also heard the learned Assistant Government Pleader.
3. The Collector has not passed any order as on the date. The petitioner has already appeared before the Collector. The petitioner has filed his say before the Collector. The petitioner is entitled to raise all possible defences available to him before the Collector. Naturally, all the defences raised by the petitioner would be considered by the Collector while passing the final order.
4. With these observations, the writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

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