

PMB

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3534 OF 2021

Ashish Rajendra Shaha and anr. .. Petitioners

vs.

Hindustan Petroleum Company Ltd. and ors. .. Respondents

Mr. Yuvraj P. Narvankar a/w Mr. Adwait A. Agashe for the Petitioners.

Mr. S.R. Page for the Respondent Nos.1 to 3.

Mr. A.P. Vanarase, AGP for the State.

CORAM : M.S.KARNIK, J.

DATE : AUGUST 26, 2021

P.C.

Heard learned counsel for the parties.

2. The Petitioner No.1 is the owner of the land in question where the Hindustan Petroleum Company Limited (HPCL) was carrying on the business of running the petroleum outlet pursuant to a lease between the parties. There arose certain differences between the parties and the lease was determined on 31.08.1980. Suit for possession came to be filed before the City Civil Court. In the meantime, the Petitioner No.1-land owner filed an application before the Collector, Kolhapur for revoking of the NOC which was granted to the HPCL to run the petrol pump. The Collector for the reasons mentioned in the order dated 15.01.2019 revoked the NOC granted in favour of the HPCL. The HPCL then filed a Petroleum Appeal under Section 154(2) of the Petroleum Rules, 2002 before

the Divisional Commissioner Pune at Pune. During the pendency of the Revision, the parties resolved their disputes and it was agreed that the HPCL can continue to operate the petroleum outlet. The consent terms were brought to the notice of the Divisional Commissioner. However, the Divisional Commissioner by the impugned order dismissed the Appeal and confirmed the order passed by the Collector.

3. The Petitioners as well as Respondents submit that the differences and the disputes between the parties are settled and the parties have entered into the consent terms. The Petitioner No.1-land owner has no objection for the HPCL to carry on the business of running the petroleum outlet. The Collector had cancelled the NOC only on the basis of the application made by the Petitioners. Considering that the parties have settled their disputes and the Petitioner No.1 has no objection now for the HPCL to carry on the business of running the petroleum outlet in terms of the consent terms arrived at between the parties, the impugned orders passed by the Authorities deserve to be quashed and set aside. In fact it was pointed out by the Petitioners as well as HPCL to the learned Divisional Commissioner that the parties arrived at a settlement in terms of the consent terms and that the matter has been settled. There was no reason for the Divisional Commissioner then to have rejected the Appeal.

4. In this view of the matter, the impugned orders are set aside. Learned counsel for the Petitioners makes a statement that the

proceedings filed by him before the Collector being SR No.2 of 2017 stands withdrawn.

5. Consequentially, if there is no other embargo under the Petroleum Rules, the NOC which was issued by the Collector shall stand restored.

6. The Writ Petition is disposed of.

(M.S.KARNIK, J.)