

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 WRIT PETITION NO.11358 OF 2022

M/S PANDE PETROLEUM THROUGH ITS PROPRIETARY
DEVIPRASAD CHUNNILAL PANDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

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Advocate for Petitioner : Mr Shubham S.Khoche
AGP for Respondent/State : Mr K.B. Jadhavar
Advocates for Respondent No. 5 : Mr Rajendra Deshmukh, Senior
Advocate a/w Ms Suchita K. Kothale i/by Mr Dhanraj P. Munde
Advocate for Respondent No.6 : Mr A.P. Bhandari

CORAM : SANDEEP V. MARNE, J.
DATE : 16th NOVEMBER, 2022

PER COURT :

1. By the present petition, the petitioner challenges the order dated 9th November, 2022 passed by the Collector, Beed cancelling the No Objection Certificate for operation of the retail outlet of respondent No. 6.
2. The petitioner has already filed statutory appeal under the provisions of Section 154 of the Petroleum Rules 2002 before the Divisional Commissioner, Aurangabad.
3. The learned AGP points out that the Divisional Commissioner has fixed the appeal for hearing on 21st November, 2022.
4. Mr Bhandari, learned counsel appearing for respondent No. 6 submits that his client is also aggrieved by the impugned order dated

09.11.2022 and in the process of filing its own appeal before the Divisional Commissioner. He submits that his client shall make an endeavour to file its own appeal before the appeal of the petitioner is taken up for hearing on 21st November, 2022.

5. Since the petitioner has already filed statutory appeal before the Divisional Commissioner, Aurangabad, the present petition cannot be entertained.

6. Since the appeal is fixed for final hearing on 21.11.2022, the Divisional Commissioner, Aurangabad shall proceed to hear the appeal of the petitioner on that day and to decide the same. If respondent No. 6 presents his own appeal challenging the order dated 09.11.2021 before the appeal of the petitioner is taken up for hearing, the same shall be heard by the Divisional Commissioner along with the appeal of the petitioner.

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

[SANDEEP V. MARNE, J.]

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