

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 366 OF 2023

(M/s Ashish Automobiles & Ors. Vs. Indian Oil Corporation Limited & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.

Court's or Judge's order

Shri S.P. Bhandarkar, Advocate for the petitioners.

Shri S.M. Ghodeswar, Assistant Government Pleader for respondent No.3/ State.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : JANUARY 12, 2023

The petitioners who are running a petroleum outlet pursuant to the dealership granted to respondent Nos. 1 and 2 seek to challenge the notice dated 21/12/2022 issued by the Additional Collector in proceedings initiated under Rule 150 of the Petroleum Rules, 2002. The petitioners seek to object to the initiation of the said proceedings on various counts including the right of respondent Nos. 4 to 6 to seek cancellation of the No Objection Certificate granted to them earlier.

We find that presently, it is only a show cause notice that has been issued to the petitioners to appear before the Additional Collector. In that view of the matter, we find that interests of justice would be served by permitting the petitioners to raise all permissible defences in response to the show cause notice dated 21/12/2022 which can be considered by the Additional Collector in accordance with law. In case any adverse order is passed in the said proceedings, the same shall not be acted upon for a period of 15 days from the date of such order.

Keeping all contentions open, the Writ Petition is disposed of. No costs.

An authenticated copy of this order be supplied to the learned Counsel for the parties.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)