

CM-16021-CWP-2023 in
CWP-4357-2021

-1-

2023:PHHC:133453

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

101

CM-16021-CWP-2023 in
CWP-4357-2021
Date of Decision : 13.10.2023

Aminta Yadav

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr.Varun Sharma, Advocate
for the petitioner.

Mr. Raman Sharma, Addl.A.G., Haryana.

Mr. M.S.Rana, Advocate for
Mr. Ashish Kapoor, Advocate
for respondent No.5.

JAGMOHAN BANSAL, J. (Oral)

CM-16021-CWP-2023

Vide order dated 12.09.2023, the main case was dismissed for
non-prosecution.

For the reasons assigned in the application, the same is
allowed. The main petition is restored to its original number and with the
consent of parties taken on Board today itself.

CWP-4357-2021

1. The petitioner through instant petition under Articles 226/227
of Constitution of India is seeking setting aside of order dated 25.11.2020
(Annexure P-6) whereby NOC case of the petitioner has been rejected by
respondents.

2. By impugned order dated 25.11.2020 (Annexure P-6), the

Executive Engineer, Provl. Division PWD B&R Branch, Rewari has communicated opinion of their office to Deputy Commissioner, Rewari who is a competent authority to pass an order under Rule 144 of Petroleum Rules, 2002. Order granting or refusing NOC in terms of Rule 144 of Petroleum Rules, 2002 has to be passed by Deputy Commissioner and till date, no order has been passed by Deputy Commissioner.

3. On being confronted with aforesaid fact, learned counsel for the petitioner submits that the Deputy Commissioner may be directed to grant opportunity of hearing to petitioner before passing any adverse order in terms of Rule 144 of Petroleum Rules, 2002.

4. Learned State counsel submits that the Deputy Commissioner would grant opportunity of hearing to the petitioner before passing any order in terms of Rule 144 of Petroleum Rules, 2002 and order shall be passed within three months from today.

5. In the wake of statement of learned counsel for the parties, the petition stands disposed of.

13.10.2023
anju

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>