

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

209

CWP-6864-2021

Date of Decision : 12.09.2023

Hindustan Petroleum Corporation Ltd.

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Atul Nehra, Advocate
for the petitioner.

Mr. Sumit Goel, Addl.A.G., Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking setting aside of order dated 09.02.2021 (Annexure P-15) whereby respondent No.2 in terms of Rule 150 of Petroleum Rules, 2002 has revoked NOC dated 10.01.2003 granted in terms of Rule 144 of Petroleum Rules, 2002.

2. The petitioner is engaged in the business of manufacturing and marketing of petro-products. The petitioner with intent to install petrol pump at Ambala-Hisar Road filed an application before District Magistrate in terms of Rule 144 of Petroleum Rules, 2002. The District Magistrate on the basis of reports received from different authorities issued NOC in terms of Rule 144 of Petroleum Rules, 2002. The petitioner in terms of conditions of NOC was supposed to get NOC from NHAI and Forest Department. The petitioner did not submit NOC from aforesaid authorities, thus, respondent by impugned order revoked NOC.

3. Learned counsel for the petitioner submits that the petitioner at the time of passing impugned order was having NOC issued by NHAI. The petitioner filed representation dated 29.05.2020 wherein it was pointed out that the petitioner has received NOC from Forest Department as well as NHAI. The respondent ignoring certificate issued by NHAI though considered NOC of forest department has passed impugned order.
4. Learned State counsel does not dispute the fact that petrol pump in question is operating since 2003. He further concedes that petitioner has received NOC from NHAI, however, he submits that the petitioner failed to submit NOC of NHAI before the competent authority, thus, impugned order was passed.
5. I have heard the arguments of learned counsel for the parties and perused the record.
6. From the perusal of record, it comes out that impugned order was passed on 09.01.2021 and on account of order dated 26.03.2021 passed by this Court, the petrol pump is still operating. The petitioner indubitably is having NOC of NHAI. As the petitioner is having NOC from NHAI, the matter needs to be re-considered by respondent-Deputy Commissioner.
7. In the wake of above discussion and findings, the impugned order is quashed with a direction to Deputy Commissioner, Kurukshetra to re-consider documents of the petitioner and pass afresh order in accordance with law within 03 months from today.

(JAGMOHAN BANSAL)
JUDGE

12.09.2023
anju

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