

203

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6179-2023

Date of Decision:23.11.2023

HARPREET SINGH

..... Petitioner

Versus

UNION OF INDIA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Naresh Kaushal, Advocate
for the petitioner.

Mr. Raman Sharma, Addl. AG, Haryana.

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

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of communication dated 21.09.2022 (Annexure P-13) made by Executive Engineer, Provincial Division No.2, PWD B&R Branch, Ambala Cantt to Deputy Commissioner, Ambala.

2. The respondent No.5- Indian Oil Corporation issued letter of intent in favour of petitioner for the installation of petrol pump at village Jeoli, District Ambala. The respondent No.5 in terms of Rule 144 of Petroleum Rules, 2002 applied to Deputy Commissioner, Ambala for NOC. As per procedure, the Deputy Commissioner sought report from different departments including PWD (B&R). The different departments issued NOC, however, PWD vide communication dated 21.09.2022 (Annexure P-13) has raised objection.

3. Learned counsel for the petitioner submits that impugned order

is a cryptic order and no reasons have been assigned in the impugned order.

4. Learned State counsel submits that as per instructions issued by State Government, the distance between intersection and proposed site of petrol pump should be 200 meter whereas distance in the present case is 127 meter, thus, Executive Engineer has rightly raised objection.

5. From the perusal of impugned order and arguments of both sides, it comes out that respondent No.5-IOC has applied for NOC before Deputy Commissioner in terms of Rule 144 of Petroleum Rules, 2002. The impugned order is a communication made by Public Works Department to Deputy Commissioner. It is Deputy Commissioner who has to pass order in terms of Rule 144 of Petroleum Rules, 2002. Concededly, till date Deputy Commissioner has not passed order under Rule 144 of Petroleum Rules, 2002. In the absence of passing of order by Deputy Commissioner under Rule 144 of Petroleum Rules, 2002, the present petition is premature.

6. The present petition stands disposed of with a direction to Deputy Commissioner, Ambala to decide application of respondent No.5 after affording opportunity of hearing to aggrieved parties. The needful shall be done within a period of 3 months from today.

(JAGMOHAN BANSAL)
JUDGE

23.11.2023
Ali

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No