

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

211

CWP-9135-2022

Date of Decision : 24.08.2023

Vijay Narayan

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Ankur Malik, Advocate
for the petitioner.

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

Mr.M.S.Rana, Advocate for
Mr. Ashish Kapoor, Advocate
for respondent No. 4.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking setting aside of office Memo dated 09.03.2022 (Annexure P-17) whereby Executive Engineer, PWD, Haryana has sent adverse report to Deputy Commissioner qua NOC for proposed retail outlet.

2. From the perusal of Annexure P-17, it comes out that Executive Engineer has submitted his report to Deputy Commissioner, Faridabad, who in turn has issued notice dated 26.04.2022 calling upon the petitioner to clarify his position in view of report of Executive Engineer.

3. On being asked, Mr. Malik, counsel for the petitioner and Mr.M.S.Rana, Advocate for Indian Oil Corporation concede that Deputy Commissioner till date has not passed any adverse order and they have not responded to show cause notice.

4. Mr. Sharma, learned Addl.A.G., Haryana also confirms that till date, no adverse order has been passed by Deputy Commissioner in exercise of power conferred by Section 144 of Petroleum Rules, 2002.
5. The Deputy Commissioner in exercise of power conferred by Section 144 of Petroleum Rules, 2002 has not passed any adverse order against the petitioner and he has called upon the parties to clarify their position with respect to adverse report of Executive Engineer. Neither the petitioner nor IOC till date has filed reply to said show cause notice. In the absence of any adverse order passed by Deputy Commissioner, the present petition is pre-mature.
6. Mr. Malik, and Mr.M.S.Rana, Advocates submits that the they would file reply to show cause notice within two weeks from today. On doing so, the Deputy Commissioner shall pass speaking order after granting opportunity of hearing to aggrieved parties within 06 weeks from the date of receipt of reply.
7. Disposed of.

24.08.2023
anju

(JAGMOHAN BANSAL)
JUDGE

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