

In the High Court of Punjab and Haryana at Chandigarh
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2023:PHHC:090603
CWP No.12963 of 2020(O&M)
Date of Decision: 19.07.2023

M/s Indian Oil Corporation Limited

---Petitioner

versus

State of Haryana and others

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr.Ashish Kapoor, Advocate
for the petitioner

Mr. Rahul Dev Singh, Addl. A.G., Haryana

Mr. Rahul Aggarwal, Advocate
for the applicant

JAGMOHAN BANSAL, J. (ORAL)

CM-3340-CWP-2023

1. The applicant through the instant application under Article 226 of the Constitution of India read with Section 151 and Order 1 Rule 10 of Code of Civil Procedure is seeking impleadment as respondent No. 3.

2. For the reasons assigned and arguments advanced by learned counsel for the applicant, the application is allowed and the applicant-Kamal Kumar Arora son of Sh. Hari Chand, resident of H.No. 1328/7, Dara Bazar, Near Multan Kitab Ghar, Hansi, Hisar is order to be impleaded as respondent No. 3.

3. Amended Memo of Parties is taken on record. Registry is directed to tag the same at an appropriate place.

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4. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking setting aside of order dated 17.08.2020 (Annexure P-5) whereby respondent has withdrawn NOC issued in terms of Rule 144 of the Petroleum Rules.

5. Learned counsel for the petitioner inter alia contends that respondent has passed impugned order dated 17.08.2020 without issuing show cause notice followed by opportunity of hearing. The NOC was issued on 15.06.2020 by District Magistrate after getting clearance from different authorities. The respondent has withdrawn NOC without issuing show cause notice followed by opportunity of personal hearing, thus, impugned order has been passed in gross violation of principles of natural justice.

6. Learned counsel for the State submits that SDO (Civil), Hansi, has granted opportunity of hearing to petitioner, thus, there is compliance of principles of natural justice.

7. The stand of the State seems to be very strange. The order of withdrawal has been passed by District Magistrate who is competent authority to grant or cancel NOC whereas opportunity of hearing has been granted by SDO (Civil) who is much junior to competent authority. Further, there is no show cause notice on record which was served upon petitioner. In the absence of show cause notice and opportunity of hearing granted by authority who has

passed order or is going to pass final order is gross violation of principles of natural justice.

8. On being confronted with the aforesaid fact, learned counsel for the State of Haryana submits that order, if any, cancelling the NOC would be passed after issuing show cause notice and granting opportunity of hearing. He further assures the Court that opportunity of personal hearing would be granted by the authority who would pass final order.

9. In view of statement of learned State counsel, the petition stands disposed of. Till the passing of final order, operation of impugned order shall remain stayed.

**(JAGMOHAN BANSAL)
JUDGE**

19.07.2023

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Whether speaking/reasoned : Yes

Whether reportable : Yes/No