

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

204-2

CWP-21941-2019

Date of Decision : 06.09.2023

Indian Oil Coporation Ltd.

..... Petitioner

Versus

U.T.Administration, Chandigarh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Ashish Kapoor, Advocate
for the petitioner.

Ms. Aakanksha Sawhney, Addl.Standing Counsel
for the respondents.

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 26.09.2018 whereby the respondent has cancelled lease deed executed between petitioner and respondent.

2. The petitioner is a Government Company registered under the Companies Act, 2013. The petitioner is engaged in the business of marketing petro-products including kerosene. The petitioner by Chandigarh Administration has been allotted multiple sites for marketing of kerosene. The Chandigarh Administration has decided to stop sale of kerosene through PDS system in the U.T.Chandigarh. On account of said decision, the respondent has cancelled lease deed.

3. Learned counsel for the petitioner submits that lease deed has

been cancelled without issuing notice and without granting opportunity of hearing. The petitioner is a Government undertaking and lease deed was executed more than 30 years back. The respondent has prohibited kerosene except white kerosene.

4. Learned counsel for respondents No.1 and 2 submits that all kinds of kerosene are prohibited in U.T.Chandigarh, however, she does not dispute the fact that the petitioner is working since 1980 and lease deed has been cancelled without granting opportunity of hearing. She further submits that the competent authority would pass an appropriate order after granting opportunity of hearing to the petitioner.

5. In the wake of statement of learned counsel for the parties, the impugned order dated 26.09.2018 is hereby set aside with liberty to the respondents to pass afresh order after granting opportunity of hearing to the petitioner. The petitioner is at liberty to make written representation as well as oral submissions before the competent authority.

6. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

06.09.2023
anju

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