

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

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**2024:PHHC:023049
CWP No.3056 of 2024
Date of Decision:20.02.2024**

Ashish Gupta

....Petitioner

VS.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Gopal Sharma, Advocate
for the petitioner

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

Mr. Ashish Kapoor, Advocate and
Mr. M.S.Rana, 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 direction to respondents No. 2 to 4 to issue 'No Objection Certificate' (in short 'NOC') in terms of Rule 144 of Petroleum Rules, 2002 for setting up a new Retail Outlet.

2 The petitioner applied for dealership of Retail Outlet and Indian Oil Corporation Limited-respondent No. 5 (in short 'respondent-Corporation') issued Letter of Intent. The Respondent-Corporation applied for NOC before Deputy Commissioner in terms of Rule 144 of Petroleum Rules for setting up a petrol pump at Village Lalpur, Block Naraingarh, District Ambala. The Deputy Commissioner sought reports from

different departments and many of them sent their reports to Deputy Commissioner wherein they did not raise any objection. The respondent-corporation filed application seeking NOC in 2019 and different departments sent their reports by 2020. On account of a complaint, the Deputy Commissioner decided to keep the matter in abeyance. The Deputy Commissioner vide communication dated 15.09.2023 has again asked all the departments to send their reports.

3. Mr. Gopal Sharma, Advocate, submits that Deputy Commissioner could not again seek report of all the departments, however, he could seek report of only those departments which have not submitted their reports. There is already delay of more than three years and PWD (B&R), Naraingarh, District Ambala, has issued NOC in respect of another location which is adjoining to location of the petitioner. This may create problems for the petitioner. The NOC issued by PWD(B&R), Naraingarh, District Ambala, in favour of petitioner is earlier in time and on account of delay on the part of Deputy Commissioner, the petitioner cannot be denied his substantial right.

4. Mr. Raman Sharma, Addl. A.G., Haryana submits that it is factually correct that Deputy Commissioner has already received reports from different departments including PWD(B&R), Naraingarh, District Ambala. The matter was kept pending because of complaints received against the petitioner. At this stage, the reports would be sought only from those departments which on the earlier occasion have not sent their report.

5. On being pointed out, Mr. Raman Sharma concedes that as per prescribed rules and procedure, NOC is required to be issued within three months from the date of filing application.

6. In the wake of statement of State counsel, the petition stands disposed of with a direction to Deputy Commissioner to seek report from only those departments which have either not sent their report or raised some objection at the earlier point of time. This Court is sanguine of the fact that Deputy Commissioner would pass an appropriate order on the application under Rule 144 of Petroleum Rules, in accordance with law and as per time prescribed.

(JAGMOHAN BANSAL)
JUDGE

20.02.2024
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No