

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104

2024:PHHC:019131
CWP No.3035 of 2024
Date of Decision:12.02.2024

M/s Yamuna Filling Station

....Petitioner

VS.

Union of India and others

....Respondents

CORAM: HON’BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ashwani Talwar, Advocate
for the petitioner

Mr. Ashish Chaudhary, Senior Panel Counsel-Central
for Union of India-respondent No. 1

Mr. Ashish Kapoor, Advocate
for respondents No. 3 and 4

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

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of decision of respondents No. 3 and 4 to set up Retail Outlet at Plot No. O-32, Old Industrial Area, Panipat.
2. The grievance of the petitioner is that despite complaints made by it, the respondents-Indian Oil Corporation Limited (in short “corporation”) vide application dated 15.01.2024 (Annexure P-12) followed by letter dated 29.01.2024 (Annexure P-13) has requested Deputy

Commissioner, Panipat to issue NOC in terms of Rule 144 of the Petroleum Rules, 2002.

3. Mr. Ashwani Talwar, Advocate for the petitioner submits that respondent-corporation is going to set up a petrol pump adjoining the petrol pump of petitioner which is in violation of guidelines issued by State Government. The respondent-corporation is not taking care of complaints made by the petitioner and has applied for NOC.

4. The respondent-corporation has applied for NOC in terms of Rule 144 of Petroleum Rules, 2002. As per procedure and practice, followed by Deputy Commissioner, he has to seek report from different departments in the form of their opinion as well as objections. Thereafter, the Deputy Commissioner passes an order permitting or denying NOC which is an appealable order. This Court is sanguine of the fact that Deputy Commissioner being duty bound, before passing an order under Rule 144 of the Petroleum Rules, would look into the questions raised by the petitioner who is raising question of violation of guidelines issued by State Government.

5. In view of above discussion and findings, the petition stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

12.02.2024

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Whether speaking/reasoned: Yes

Whether reportable: No