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2023:PHHC: 007715

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-28124-2017 (O&M)
Date of decision: 20.01.2024

BACHAN SINGH

....PETITIONER

Vs.

STATE OF HARYANA AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. G.S.Gopera, Advocate
for the petitioner.

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

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through the instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent No. 2 to grant 'No Objection Certificate' for installing retail outlet allotted by respondent No. 5 (ESSAR Oil Limited).

2. On 12.12.2017, the following order was passed:-

"Learned counsel for the petitioner has submitted that the petitioner had applied for allotment of retail outlet of Essar Oil Limited but the 'No Objection Certificate' has not been issued by the Deputy Commissioner, Kaithal. It is further submitted that though the Xen. PWD (B&R), Kaithal has raised an objection that since the location of the land of the petitioner is within the distance of 1000 meter from the toll plaza, therefore, it cannot be given in view of the guidelines of the Indian Roads Congress (IRC), which is otherwise held to be directory in CWP No.14806 of 2011 decided on 16.2.2016.

Notice of motion for 29.1.2018."

3. The dispute between the parties erupted on account of existence of toll barrier near to proposed location of petrol pump.
4. Parties are *ad idem* that toll tax barrier which was hurdle in the issuance of NOC in terms of Rule 144 of Petroleum Rules, 2002 no more exists, thus, case of the petitioner can be reconsidered subject to filing of fresh application.
5. In the wake of conceded position, the petition stands disposed of with liberty to petitioner to file fresh application seeking NOC in terms of Petroleum Rules.
6. Pending miscellaneous application(s), if any, shall also stand disposed of.

20.01.2024
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JAGMOHAN BANSAL

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No