



CWP-22517-2020
Date of Decision: **19.12.2024**

Versus

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Mr. Naveen S. Bhardwaj, Addl. AG, Haryana.

1. Petitioner-Indian Oil Corporation Ltd. prays for issuance of a writ in the nature of certiorari to quash the impugned order dated 25.11.2020 (Annexure P-9) cancelling the No-Objection Certificate passed by the District Magistrate, Hisar under the provision of Rule 150 of the Petroleum Rules, 2002.

2. The relevant facts in brief are required to be noticed in order to comprehend the issues involved in the present case. The petitioner-company operated a fuel station for the last 21 years at the site in question. The fuel station was set up after the grant of No-Objection Certificate by all the concerned including the District Magistrate. The State claims that No-Objection Certificate issued by the District Magistrate was conditional.

3. Be that as it may. In 2020, the No-Objection Certificate issued to

the petitioner has been cancelled while exercising powers under Rule 150 of the Petroleum Rules, 2002 which is extracted as under:-

“150. Cancellation of no objection certificate:-

(1) A no objection certificate granted under rule 144 shall be liable to be cancelled by the District Authority or the State Government, if the District Authority or the State Government is satisfied that the licensee has ceased to have any right to use the site for storing petroleum:

Provided that before cancelling a no objection certificate, the licensee shall be given a reasonable opportunity of being heard.

(2) A District Authority or a State Government cancelling a no objection certificate shall record, in writing, the reasons for such cancellation and shall immediately furnish to the licensee and to the licensing authority concerned, a copy of the order cancelling the no objection certificate.”

4. The learned counsel representing the petitioner submits that the rule enabling the power to cancel the No-Objection Certificate can be exercised only if the licensee has ceased to have any right to use the site for storing petroleum. He further submits that the impugned order does not record that petitioner has ceased to have any right to use the site for storing petroleum. He further submits that the ground on which No-Objection Certificate has been cancelled does not fall within the scope of Rule 150 of the Petroleum Rules.

5. Per contra, learned State counsel submits that the No-Objection Certificate issued to the petitioner was conditional and despite several reminders the petitioner failed to submit No-Objection Certificate from NHAI.

6. This Court has considered the submission. From reading of the impugned order (Annexure P-9) dated 25.11.2020 it is evident that the District Magistrate has exercised power under Rule 150 of the Petroleum Rules. It is not even the case of the State that the petitioner has ceased to have any right to use the site for storing petroleum. Thus, it is evident that only the ground on which No-Objection Certificate can be cancelled under Rule 150 is not made

out against the petitioner and the State does not allege breach of Rule 150 of the Petroleum Rules.

7. On 23.12.2020, the operation of the impugned order was stayed. The petitioner continues to operate the fuel station as per interim orders. Previously, the fuel station was run by IBP which has taken over Indian Oil Petroleum company. The petitioner has applied for No-Objection Certificate from NHAI in 2020 and all sincere efforts have been made to get No-Objection Certificate from NHAI. He submits that the efforts would be made to get NOC from NHAI and submit before the Deputy Commissioner as expeditiously as possible but not later than six months. Hence, the impugned order cancelling the NOC is set aside subject to the aforesaid condition.

8. With these observations, the present writ petition is disposed of.

19.12.2024
Parveen kumar

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No