

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

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**2024:PHHC:012799
CWP No.23637 of 2022
Date of Decision:31.01.2024**

Deepak Goyal

....Petitioner

vs.

Bharat Petroleum Corporation Limited and others

....Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. P.S.Jammu, Advocate and
Mr. Karan Bansal, Advocate
for the petitioner

Mr. Raman Sharma, Advocate
for respondents No. 1 to 3 and
as an Addl. A.G.Haryana

Mr. Chirag Wadhwa, Advocate
for respondent No. 7

JAGMOHAN BANSAL, J. (ORAL)

1. On 23.03.2023, the following order was passed:-

“Learned counsel for the petitioner has submitted that it is a case where the petitioner is aggrieved by the respondent-Corporation whereby although he was not successful in the first round of draw of lots and only respondent No.7 was successful in the draw of lots but an LOI was issued to respondent No.7 vide Annexure P-4 but the land was not proper and rather the PWD Department had raised an objection regarding the same. Thereafter, the respondent-Corporation had sought for alternate land from respondent No.7 for which he again offered an alternate land which although was not in accordance with law but be that as it may, the second alternate land which

was offered by respondent No.7 was also not in accordance with the guidelines and instructions issued by the Government of India and other instructions. He submitted that now with regard to the second land as well, the PWD Department has not granted 'No Objection Certificate' vide Annexure P-7 which has been attached alongwith the replication.

Mr. Raman Sharma, Advocate, for the respondent-Corporation has submitted that with regard to the alternate land of respondent No.7, no intimation has been received by the respondent-Corporation from the office of Deputy Commissioner and has submitted that probably because of the interim order passed by this Court on 17.10.2022, the same is not being done.

In view of the aforesaid factual position stated by the learned counsel for the parties, the interim order passed by this Court on 17.10.2022 needs to be modified.

It is directed that the further process for considering allotment to respondent No.7 shall continue and there will be no impediment for the Deputy Commissioner or any other authority for consideration of 'No Objection Certificate' in accordance with law and the outcome of the request of the Corporation for issuance of 'No Objection Certificate' shall be communicated to the Corporation within reasonable time.

Let the Corporation process the case of respondent No.7 in accordance with law. However, the finalization of any execution of any contract with respondent No.7 by the Corporation shall remain stayed till the next date of hearing.

In view of the above, the application bearing CM-2092-CWP2023 filed by the respondent-Corporation for

vacation of interim order dated 17.10.2022 is disposed of as having become infructuous.

Adjourned to 17.05.2023.”

2. On 06.07.2023, the following was further observed by this Court:-

“Learned counsel for BPCL submits that they have already moved an application seeking NOC before District Magistrate, however, District Magistrate has not passed any order one or another way.

On being confronted with aforesaid fact, learned State counsel submits that the matter is pending before Deputy Commissioner who would decide application of the petitioner after considering objections, if any, raised by different departments.

The Deputy Commissioner in terms of Rule 144 of Petroleum Rules is competent authority to adjudicate application of the parties seeking NOC for installation of petrol pump. The Corporation has already moved an application which is pending before Deputy Commissioner. To resolve the issue, the Deputy Commissioner is hereby directed to decide application of the Corporation within 06 weeks from today.

Adjourned to 28.09.2023.”

3. Pursuant to the aforesaid order, Mr. Parth Gupta, Deputy Commissioner, Sirsa has filed his affidavit dated 31.01.2024. The same is taken on record. Registry is directed to tag the same at appropriate place.

4. As per the affidavit, application of BPCL, seeking NOC in terms of Rule 144 of Petroleum Rules, has been rejected.

5. Mr. Raman Sharma, counsel for respondents No. 1 to 6 submits that Deputy Commissioner has rejected application seeking NOC, however,

it has not cancelled Letter of Intent issued in favour of respondent No. 7. BPCL would decide fate of Letter of Intent issued to respondent No. 7 in due course.

6. Faced with this, counsel for the petitioner submits that BPCL may be directed to pass an appropriate order with respect to status of Letter of Intent, in view of rejection of application by Deputy Commissioner seeking NOC.

7. The order dated 23.01.2024 passed by Deputy Commissioner, Sirsa is an appealable order. The BPCL as well as respondent No. 7 have remedy to file appeal against the said order. Rejection of application seeking NOC in terms of Rule 144 of Petroleum Rules does not automatically entail cancellation of Letter of Intent issued by any oil company in favour of any candidate.

8. In the premise of above facts and development, the petition is disposed of with a direction to BPCL to decide fate of impugned Letter of Intent, in accordance with terms and conditions of the brochure as well as applicable rules and regulations.

(JAGMOHAN BANSAL)
JUDGE

31.01.2024
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Whether speaking/reasoned: Yes
Whether reportable: No