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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24298-2024

Date of Decision: 15.10.2024

M/S TAWAR FILLING STATION

..... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Gaurav Aggarwal, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

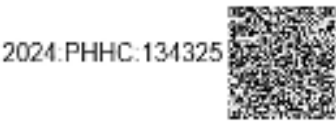
Mr. Raman Sharma, Advocate
for respondent-BPCL.

Mr. Karan Bhardwaj, Advocate
for respondent No.7.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of Letter of Intent (for short 'LoI') dated 29.02.2024 (Annexure P-1) issued by Bharat Petroleum Corporation Limited (for short 'BPCL'), Bathinda in favour of respondent No.7-Malkeet Singh.

2. Mr. Gaurav Aggarwal, Advocate for the petitioner submits respondent-BPCL in violation of instructions issued by Ministry of Road Transport and Highways of India (for short 'MORT&H') has issued LoI in favour of respondent No.7. The said Corporation applied for NOC in terms of Rule 144 of Petroleum Rules, 2002 (for short '2002 Rules') to Deputy Commissioner, Fazilka who has sought report from different departments. The Sub Divisional Magistrate, Jalalabad has submitted his



report which is contrary to actual facts and figures. Similarly, other authorities have submitted incorrect report.

3. Learned counsel for the respondents submit that till date Deputy Commissioner has not issued NOC in terms of Rule 144 of 2002 Rules.

4. As per Rule 144 of 2002 Rules, an application is required to be filed with jurisdictional authorities for seeking NOC to set up a Petrol Pump. The Deputy Commissioner as per procedure seeks report from different departments on the basis of which he issues NOC. The order passed by Deputy Commissioner is a quasi-judicial order and appealable. The Deputy Commissioner is not bound by reports submitted by different authorities and he is supposed to apply his mind. The petitioner has filed his objection with Deputy Commissioner.

5. This Court is sanguine of the fact that Deputy Commissioner before issuing final NOC in terms of Rules 144 of 2002 Rules would consider all the objections raised by the petitioner. The Deputy Commissioner if finds appropriate may grant personal hearing to all the affected parties.

6. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

15.10.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>