



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

904 WRIT PETITION NO. 6848 OF 2024

Kishor Baburao Sathe

VERSUS

1. The Union Of India Through Its Principal Secretary,
2. Hindustan Petroleum Corporation Ltd.,
3. The District Collector, Office Osmanabad,
4. The Superintendent of Police, Osmanabad,
5. Sub Divisional Police Officer, Office Tuljapur.

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Advocate for the Petitioner : Mr. Jagtap Amol T.
AGP for Respondents-State: Ms. K. B. Patil Bharaswadkar
Advocate for Respondent No.1 : Rajesh H. Mewara
Advocate for Respondent No.2 : Ms. Anjali Dube

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**CORAM : R. G. AVACHAT &
ABASAHEB D. SHINDE, JJ.**

Dated : SEPTEMBER 18, 2025

JUDGMENT : - (Per ABASAHEB D. SHINDE, J.)

1. Rule. Rule made returnable forthwith by consent of both the parties.

2. The short question involved in this writ petition is whether, in absence of any statutory provision, the Additional Collector, Osmanabad, can refuse to issue a *No Objection Certificate* (NOC) to

the petitioner, despite the issuance of a Letter of Intent in favour of the petitioner for allotment of a retail outlet (petrol pump).

3. Pursuant to the advertisement dated 25/11/2018, the petitioner submitted an application for award of a retail dealership of respondent No.2 - Hindustan Petroleum Corporation. Upon being found qualified, respondent No.2 - Hindustan Petroleum Corporation issued a Letter of Intent in favour of the petitioner and awarded a retail outlet dealership vide Letter of Intent dated 24/06/2020, for Gut No.160, village Suratgaon, Taluka Tuljapur, District Osmanabad. After the issuance of the Letter of Intent, the petitioner, along with other requisite NOCs, applied to the District Magistrate (Additional Collector), Osmanabad, seeking an NOC.

4. However, by the impugned communication dated 28/08/2023, the Additional Collector informed the petitioner that since two crimes were registered against him, Crime No.304/2017 for offences punishable under Sections 143, 149, 353, 504, 506 of the Indian Penal Code, and Crime No.56/2016 for offences punishable under Sections 120-B, 323, 504, 506, 143, 149 of the Indian Penal Code, he could not issue an NOC in favour of the petitioner. The Additional Collector further intimated respondent No.2 - Hindustan Petroleum Corporation accordingly.

5. We have heard the learned counsel for the petitioner, the learned AGP for the State, and the learned counsel for respondent No.2 – Hindustan Petroleum Corporation.

6. An affidavit in reply has been filed on behalf of respondent No.3 – Additional Collector, Osmanabad, reiterating the grounds on which the NOC was refused. It is contended that since two crimes are registered against the petitioner, the office of respondent No.3 declined to issue the NOC.

7. On the other hand an affidavit in reply has been filed by respondent No.2 – Hindustan Petroleum Corporation and have stated in the affidavit that though respondent No.2 – Hindustan Petroleum Corporation specifically drew the attention of respondent No.3 to Clause 14(c) of the Letter of Intent dated 24/06/2020, which provides that the dealership may be withdrawn or cancelled only if the Letter of Intent holder is convicted of any crime or economic offence involving moral turpitude, the Additional Collector still proceeded to issue the impugned communication.

8. Having considered the rival submissions, the short point that falls for our consideration is whether, in the absence of any clause in the advertisement or in the Letter of Intent barring issuance of an

NOC merely on the ground of registration of crimes, the Additional Collector could have lawfully refused to grant the NOC.

9. We find that neither the advertisement pursuant to which the petitioner applied, nor the Letter of Intent issued by respondent No.2 - Hindustan Petroleum Corporation, contained any stipulation precluding issuance of an NOC on the ground that criminal cases were registered against the petitioner. On the contrary, Clause 14(c) of the Letter of Intent explicitly provides that only upon conviction the dealership would be liable to be cancelled.

10. In view of this, the Additional Collector could not have refused issuance of an NOC merely on the ground of registration of crimes against the petitioner. The denial of NOC in the present case is therefore wholly unjustified. No statutory provision has been brought to our notice by any of the respondents authorising non-issuance of NOC merely on account of registration of criminal cases.

11. In light of the above discussion, we pass the following order:

ORDER

(A) The impugned communication dated 28/08/2023 issued by respondent No.3 - Additional District Collector, Osmanabad, refusing to grant an NOC in favour of the petitioner for Gut No.160 of village Suratgaon, Taluka Tuljapur, District, Osmanabad, allotted to the petitioner, is quashed and set aside.

(B) Respondent No.3 - Additional District Collector, Osmanabad, is directed to issue the NOC in favour of the petitioner, as prayed for, within a period of three weeks from today.

The Rule is made absolute in the above terms.

(ABASAHEB D. SHINDE, J.)

(R. G. AVACHAT, J.)

vj gawade/-.