

2026:PHHC:072966



-1-

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

CR-3952-2026 (O&M)

Date of Decision: 11.05.2026

HITESH KUMAR

...Petitioner

Versus

ASHA AGGARWAL AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Ashish Kaushik, Advocate
for the petitioner.

PARMOD GOYAL, J. (ORAL)

The present petition has been preferred under Article 227 of Constitution of India by petitioner/defendant being aggrieved by order dated 19.03.2025 (Annexure P-1), passed by learned Civil Judge (Junior Division), Narnaul vide which application preferred by petitioner/defendant under Order VII Rule 11 CPC for rejection of plaint was dismissed.

2. Learned counsel for petitioner/defendant has argued that learned Court of first instance had only referred to Clause (a) of Order VII Rule 11 CPC, however, had not considered his case under Order VII Rule 11 (d) CPC. It is argued that learned Court of first instance had failed to take into consideration Rules 149, 150 and 154 of Petroleum Rules 2002 (hereinafter referred to as '2002 Rules') read with Section 9 CPC.

3. In the present case, rejection of plaint has been sought by petitioner/defendant on twin grounds; one that cause of action has not been disclosed and second that suit is impliedly barred under provisions of Rules

149, 150 and 154 of 2002 Rules.

4. As far as first ground is concerned, same has been duly appreciated by learned Court of first instance in para No.7 of the impugned order, wherein after perusing the plaint it was found that respondents/plaintiffs had clearly disclosed the cause of action seeking permanent and mandatory injunction against defendants by restraining them from opening petrol pump in violation of mandatory guidelines, which prohibits installation of petrol pump within 300 meters of existing petrol pump. The question whether the ground taken by respondents/plaintiffs is correct or incorrect cannot be determined in the proceedings under Order VII Rule 11 CPC and can only be gone through at the time of trial. Learned Court of first instance has rightly held that the plaint clearly defines cause of action available to respondents/plaintiffs. Therefore, no ground for rejection of plaint for non-disclosure of cause of action has arisen in favour of present petitioner/defendant.

5. On consideration of second ground also, I do not find any reasons to interfere as from plain reading of Rules 149, 150 and 154 of Petroleum Rules, 2002, it cannot be held that present suit for permanent injunction preferred by respondents/plaintiffs is barred by any statutory provisions. Rules 149, 150 and 154 of 2002 Rules, are reproduced as under :-

“149. Refusal of no-objection certificate. – *A district authority refusing to grant a no objection certificate under rule 144 shall record, in writing, the reasons for such refusal and shall furnish to the applicant a copy of such order: Provided that before refusing to grant a no-objection certificate, the applicant shall be given a reasonable opportunity of being heard.*

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 canceling 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, copy of the order cancelling the no-objection certificate.

154. Appeals - (1) *An appeal shall lie against any order refusing to grant, amend or renew a licence or cancelling or suspending a licence to-* (i) *the Central Government, where the order is passed by the Chief Controller; (ii) the Chief Controller, where the order is passed by a Controller; (iii) the immediate official superior to the District Authority, where the order is passed by the District Authority; (iv) the immediate official superior to officer appointed under rule 33 in the case of vessels licensed for the carriage of petroleum in bulk. (2) An appeal against any order of the District Authority refusing to grant or cancelling a no objection certificate shall lie to the authority which is immediately superior to the said District Authority. (3) Every appeal shall be in writing and shall be accompanied by a copy of the order appealed against and shall be presented within sixty days of the order passed.”*

6. In fact, Rules 149 and 150 of Petroleum Rules, 2002 are remedy to petitioner/defendant to whom no objection is granted or whose no objection has been cancelled. It does not apply to respondents/plaintiffs who are third party and are opposing the installation of petrol pump on the ground that it is in violation of statutory provisions/guidelines issued by authorities.

7. In these circumstances, it cannot be held that suit is barred by any law as to justify rejection of plaint under Order VII Rule 11 CPC.

Revision petition is without any merit, hence is dismissed.

8. Pending application(s), if any, is/are disposed of accordingly.

11.05.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No