

**HIGH COURT OF PUNJAB AND HARYANA
CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL
Date of Decision: 31.01.2024**

CWP No.23637 of 2022

Deepak GoyalPetitioner

vs.

**Bharat Petroleum Corporation Limited and others
....Respondent**

Legislation:

Petroleum Rules

Subject: The petition concerns the process of issuing a No Objection Certificate (NOC) by the Deputy Commissioner for the installation of a petrol pump, following the rejection of the petitioner in the initial draw of lots and subsequent issues with the land proposed by the successful respondent.

Headnotes:

Initial Draw of Lots and Land Issues – Petitioner, not successful in the initial draw of lots for a petrol pump, challenges the issuance of LOI to respondent No.7 due to land issues and non-compliance with guidelines – PWD Department's objection to respondent No.7's land – Interim order modification by the court to allow NOC process continuation. [Para 1]

Role of Deputy Commissioner – Deputy Commissioner, as per Rule 144 of Petroleum Rules, directed to adjudicate the application for NOC – The court's direction for decision within 6 weeks on BPCL's application. [Para 2]

Deputy Commissioner's Rejection of NOC – Affidavit by Deputy Commissioner indicating rejection of BPCL's application for NOC – Registry instructed to record affidavit. [Para 3]

BPCL's Decision on Letter of Intent – Despite NOC rejection, BPCL's Letter of Intent to respondent No. 7 not cancelled – BPCL to decide on the Letter of Intent's fate. [Para 5]

Appealable Order of Deputy Commissioner – Rejection of NOC by Deputy Commissioner does not automatically lead to cancellation of Letter of Intent – BPCL directed to decide on the Letter of Intent considering rules and regulations. [Para 7-8]

Representing Advocates:

Mr. P.S.Jammu and Mr. Karan Bansal for the petitioner

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

Mr. Chirag Wadhwa 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 interms 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.

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