

**(2021) 04 UK CK 0035**

**In the Uttarakhand High Court**

**Case No : Writ Petition (M/S) No. 888 Of 2021**

Bharat Petroleum Corporation Limited

APPELLANT

Vs

District Magistrate, Dehradun & Others

RESPONDENT

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**Date of Decision : 09-04-2021**

**Acts Referred:**

Petroleum Rules, 2002 — Rule 144, 150(1)

**Citation : (2021) 04 UK CK 0035**

**Hon'ble Judges : Manoj Kumar Tiwari, J**

**Bench : Single Bench**

**Advocate : Pradeep Kumar Chauhan, C.S. Rawat, Bhuwan Bhatt**

**Final Decision : Allowed**

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## **Judgement**

Manoj Kumar Tiwari, J

1. Petitioner is aggrieved by cancellation of No Objection Certificate, issued to him, under Rule 144 of Petroleum Rules, 2002.

2. In paragraph no. 12 of the writ petition, it has been stated that the impugned cancellation order has been passed in violation of principles of natural justice.

3. On a specific query put to learned Chief Standing Counsel, he fairly concedes that no notice or opportunity of hearing was given by District Magistrate to the petitioner. The license, which has been cancelled, was issued to the petitioner under Rule 144 of Petroleum Rules, 2002. Rule 150 (1) of the said Rules provides that, while cancelling the No Objection Certificate, opportunity of hearing would be required to be given. Rule 150(1) of the said Rules is reproduced below:

"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."

4. Since petitioner was not heard by the District Magistrate while cancelling the No Objection Certificate, which not only violates Rule 150(1) of the aforesaid Rules; but, also negates principles of natural justice, therefore, impugned cancellation order dated 31.03.2021 cannot be sustained in the eyes of law and the same is quashed

5. Accordingly, the writ petition stands allowed.

6. However, District Magistrate shall be at liberty to pass fresh order, after affording reasonable opportunity of hearing to the petitioner. Such order shall be passed within four weeks.

7. Let a certified copy of this order be issued today itself.