

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP (C) no. 1534/2021
CM no. 5179/2021

Khurshid Ahmad Wani

.... Petitioner(s)

Through: Mr I. Sofi, Advocate

V/s

Union Territory of JK and others

... Respondent(s)

Through: Mr M. A. Chashoo, AAG

CORAM:

Hon'ble Mr Justice Ali Mohammad Magrey, Judge

ORDER
09.08.2021

By the instant writ petition, the order of the Deputy Commissioner, Bandipora, respondent no. 3, bearing no. DCB/VC/2021/PS/895-989 dated 06.07.2021, for short impugned order, in terms whereof the license no. 03 dated 17.4.2018, to import and store petroleum class B, otherwise than bulk in quantity not exceeding 25000 litres at Pushwari Tehsil Hajin, District Bandipora, has been suspended on the ground of non-adherence to the norms prescribed for the import and storage products (MS and HSD) and also for not following the terms and conditions laid down overleaf the license, has been challenged besides the order of the respondent no. 2, Divisional Commissioner, Kashmir, passed in an appeal filed before him against the order of the respondent no. 3, whereby the appeal of the petitioner has been rejected, is also under challenge on the grounds detailed out in the writ petition.

Mr Sofi, learned counsel for the petitioner, while reiterating the grounds taken in the writ petition, submits that there is not only adherence to the procedure but the non-application of mind is also writ large on the impugned orders besides being discriminatory as is evident from the action of the respondents in dealing with the cases of other license holders who were also found as having violated the norms of the license. He has placed on record the notices issued Bilal Ahmad Sheikh, Nissar Ahmad Sheikh, Mushtaq Ahmad Parray etc and submits that no action is taken against these license holders.

In continuation of arguments it has become necessary to call for the records of respondents 2 and 3 through Mr M. A. Chashoo, AAG, who is incidentally available in the court. He shall ensure filing of the response within one week.

Failure of the respondents to submit the record and reply will pave a way for the petitioner to seek interim relief on the next date.

Mr M. A. Chashoo, AAG, is impressed upon to conduct the case himself and shall not handover the brief to any allocated counsel.

List on 17th August, 2021, in the supplementary cause list.

Copy of the order be provided to Mr M. A. Chashoo, AAG. Copy of the petition has been furnished to Mr M. A. Chashoo, AAG, in the open court.

(Ali Mohammad Magrey)
Judge

Srinagar
09.08.2021
Amjad Lone PS

