

Court No. - 40

Case :- WRIT - C No. - 24143 of 2023

Petitioner :- Deepak Verma And Another

Respondent :- Indian Oil Corporation Limited And 2 Others

Counsel for Petitioner :- Yash Padia

Counsel for Respondent :- Rakesh Pathak, Shubham Agarwal

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard Sri Yash Padia, learned counsel for the petitioners and Sri Rakesh Pathak, learned counsel for the respondent - Indian Oil Corporation Limited.

2. The present writ petition is preferred inter alia with the following reliefs:

"i. Issue a writ, order or direction in the nature of mandamus directing the respondent no.2 to not give effect to the letter/ order dated 15.06.2023.

ii. Issue a writ, order or direction, in the nature of mandamus directing the respondent India Oil Corporation Limited from taking any coercive action against the petitioners and further restraining them from initiating any recovery proceedings in lieu of the letter/ order dated 15.06.2023."

3. While filing the objection by the Indian Oil Corporation, it is pressed that as per Para-19(b) of the agreement dated 25.07.2017, the business associates shall be liable for all the damages and in case of any dispute, there is an arbitration clause in Para-38. Sri Rakesh Pathak, learned counsel for the respondent - Indian Oil Corporation Limited submits that once efficacious remedy is available to the parties, it would be open to the petitioners and other rival claimants to approach the arbitrator and no interference is required by this court in a writ petition under Article 226 of the Constitution of India.

4. Confronted with this situation, Sri Yash Padia, learned counsel for the petitioners states that a leave may be accorded to the petitioners to approach the arbitrator.

5. Accordingly, with the aforesaid leave, the writ petition stands **disposed of**.

Order Date :- 2.12.2023

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