

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.883 of 2014

IN

Civil Writ Jurisdiction Case No. 3399 of 2014

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1. Indian Oil Corporation Ltd., having its registered office at Mumbai through its Chairman cum Managing Director,
 2. The General Manager, Indian Oil Corporation Ltd., Bihar State Office (BSO), Marketing Division 5th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, P.S.- Kotwali, District- Patna.
 3. The Divisional Manager, Indian Oil Corporation Ltd., Marketing Division, Muzaffarpur.
 4. Area Manager (Retail Sales), Indian Oil Corporation, Darbhanga.

.... Respondents- Appellant/s

Versus

1. Vineet Kumar Tibrewal, son of Late Satya Narayan Prasad, resident of P.O.- Jhanjharpur (RS), P.S.- Madhepur, District- Madhubani.

Respondent 1st Set-Writ petitioner.

2. Pawan Kumar, son of Shiv Shankar Pd @ Shiv Narayan Pd, Resident of C/o A.P. Indra Jhanjharpur (RS), District-Madhubani.
3. Rakesh Kumar, son of Shiv Shankar Pd @ Shiv Narayan Pd, Resident of C/o A.P. Indra Jhanjharpur (Rs), District-Madhubani.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kumar Sinha, Advocate

For the Respondent no.1 : Mr. Gautam Kejriwal, Advocate

Mr. Hemant Kumar, Advocate

For the respondents 2 & 3 : Mr. Neeraj Kumar Gupta, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

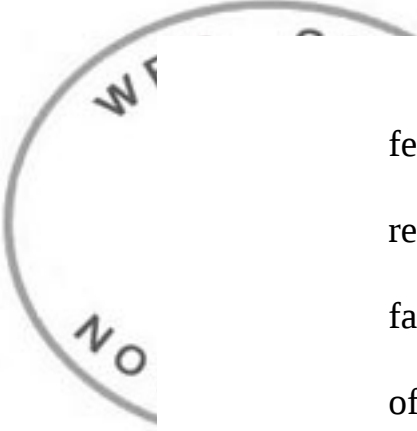
And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 22-05-2015



The 1st respondent filed CWJC No.3399 of 2014 feeling aggrieved by the steps taken by the appellants herein, in respect of Kerosene dealership. To be precise, the matter is that the families of the respondents 1, 2 and 3 were holding three dealerships of petroleum products, and in respect of each such dealership, the agreement was in favour of the partnership firm. The death of one of the family members warranted reconstitution of partnerships, and that in turn gave rise to some dispute among the 1st respondent, on the one hand, and the respondents 2 and 3, on the other hand. The result was that the execution of the fresh dealership agreement could not be taken up. It is in this context, that the appellants stopped supply of petroleum products to the respondents.

The 1st respondent pleaded that the failure to execute agreement was not on account of fault on his part, and there was no basis to stop supply of petroleum products to the petroleum outlet managed by him. An interlocutory application was filed for a direction to the appellants to continue the supply. The learned Single Judge directed that pending disposal of the writ petition, the supply of petroleum products shall be made.

The appellants feel aggrieved by the order passed by

the learned Single Judge. Hence, this appeal.

According to them, the supply can be made, if only there exists valid agreement and since the agreement could not be executed on account of the dispute between the family members, there was no justification for the interim order under appeal.

Respondents 2 and 3 also support the appellants herein, may be for a different reason.

Learned counsel for the 1st respondent submits that stoppage of supply was without any basis and public interest is also involved.

Heard Sri Anil Kumar Sinha, learned counsel for the appellants, Sri Gautam Kejriwal, learned counsel for the respondent no.1 and Sri Neeraj Kumar Gupta, learned counsel for the respondents 2 and 3.

It is not in dispute that there existed dealership in favour of the family comprising of respondents 1, 2 and 3. On account of change in the structure of the family, several arrangements are brought into existence. In fact, there is dispute among the family members also. It is no doubt true that existence of dealership agreement is essential for a petroleum company to supply the products. However, the cases in which the need to execute agreement arises on account of change in the structure of the family,

stand on a different footing. No irregularity or illegality can be said to have taken place due to internal dispute between the members of the family. The appellants have only to ensure that the dealership continues and general public receives products, even while ensuring that there is responsible person or agency to handle the agency.

We do not find any defect in the order passed by the learned Single Judge. The appeal is dismissed.

Interlocutory application, if any, shall stand disposed of. There shall be no order as to costs.

(L. Narasimha Reddy, CJ)

(Sudhir Singh, J)

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