

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7652 OF 2014

M/s. Bhajipala Phale Utpadak	}	
Sahakari Sangh Ltd.	}	Petitioner
versus		
Hindustan Petroleum Corporation Ltd.	}	Respondent

Mr. A. Y. Sakhare-Senior Advocate with
Ms.Nikita Trivedi for the Petitioner.

Mr. Minoo Siodia with Ms. Raksha Thakkar
i/b M/s. Rustamji and Ginwala for the
Respondent.

**CORAM :- S. C. DHARMADHIKARI &
G. S. KULKARNI, JJ.**

DATED :- JUNE 25, 2015

P.C. :-

This Writ Petition challenges the termination order dated 6th August, 2013, under which the LPG dealership of the Petitioner awarded by the Respondent has been terminated and discontinued.

2) Our attention has been invited by Mr. Siodia to the affidavit in reply filed in this Writ Petition and particularly a clause in the agreement between the parties, based on which this dealership was awarded. That clause provides for an Arbitration and the dispute in the present Petition in relation to the termination of dealership, according to Mr. Siodia, falls in this clause, which is widely worded. Mr.Sakhare-learned Senior Counsel appearing for the Petitioner, on his attention being invited to this clause, sought instructions from the Petitioner's

representative present in the Court. Upon taking instructions, Mr. Sakhare informs the Court that the Petitioner will have no objection to appear before the Arbitrator and to be appointed by the Chairman/Managing Director of the Respondent Corporation, but this Court must ensure expeditious and early conclusion of the arbitral proceedings.

3) After hearing both sides and since there is a broad agreement to dispose of the Writ Petition, we direct that the Chairman/Managing Director of the Respondent Corporation shall appoint an Arbitrator in terms of clause 38 of the Memorandum of Agreement dated 28th December, 2009, within a period of four weeks from today. The appointment shall be notified and intimated to the Petitioner. The Arbitrator shall endeavor and dispose of the arbitral proceedings within a period of four months from the first appearance of parties. We clarify that we have expressed no opinion on the rival contentions and all of them are kept open.

4) With the aforesaid directions, the Writ Petition is disposed of.

(G.S.KULKARNI, J.)

(S.C.DHARMADHIKARI, J.)