

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

WP(C).No. 37242 of 2015 (E)

PETITIONER :

**RADHA V., AGED 42 YEARS, D/O. LATE GOPALAN, SWAPNA,
KESAVAMENON COLONY, OLAVAKKODE MURI,
PALAKKADU VILLAGE, PALAKKADU TALUK, PALAKKADU DISTRICT**

BY ADV. SRI.AJITH MURALI

RESPONDENTS :

- 1. THE UNION OF INDIA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
MINISTRY OF PETROLUM AFFAIRS, NEW DELHI.**
- 2. THE TERRITORY MANAGER (REGAIL),
CALICUT TERRITORY, BHARAT PETROLEUM CORPORATION LIMITED.
PEEKAY TOWERS, VANDIPETTA, NADAKAVE,
KOZHIKODU DISTRICT.**
- 3. THE ASSISTANT MANAGER (SALES), CALICUT TERRITORY,
BHARAT PETROLEUM CORPORATION LIMITED,
PEEKAY TOWERS, VANDIPETTA, NADAKAVE,
KOZHIKODE DISTRICT.**

**R1 BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R2 & R3 BY SRI.M.GOPIKRISHNAN NAMBIAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF LICENCE DT 18/2/2014 ISSUED BY THE R2 TO THE PETITIONER.**
- P2: COPY OF THE FIR INCRIME NO. 839/2013 OF PALAKKADU TOWN NORTH POLICE STATION DT 2/5/2013.**
- P3: COPY OF THE LETTER ISSUED BY THE TERRITORY MANAGER, BPCL., CALICUT DT 13/6/2013.**
- P4: COPY OF THE ORDER IN OS NO. 270/2013 OF PRINCIPAL MUNSIF COURT, PALAKADU DT 31/6/2013.**
- P5: COPY OF THE SHOW CAUSE NOTICE ISSUED BY THE R2 DT 27/1/2015 TO THE PETITIONER.**
- P6: COPY OF THE REPLY STATEMENT SUBMITTED BY THE PETITIONER BEFORE THE R2.**
- P7: COPY OF THE TERMINATION NOTICE ISSUED BY THE R2 TO THE PETITIONER DT 2/12/2015.**

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.37242 of 2015

Dated this the 8th day of December, 2015

JUDGMENT

The petitioner is running a petrol pump of Bharath Petroleum Corporation Ltd, as a licensee. This has been terminated as per Ext.P7. The petitioner has approached this Court challenging Ext.P7.

2. As per the agreement entered by the petitioner with the BPCL, the dispute has to be settled through arbitration.

In that view of the matter, this Court finds that there is no scope for entertaining this writ petition. Therefore, declining jurisdiction this writ petition is disposed of with a liberty to seek appropriate remedy in terms of the Arbitration and Conciliation Act. However, to work out such remedy, coercive action against the petitioner pursuant to Ext.P7 shall be deferred for a period of two weeks.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

In