

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.10525 of 2015

Date: April 27, 2015

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Between:

Sree Kanya Transport,
Rep. by its partner V. Sankar.
Petitioner

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And

1. The Union of India,
Rep. by its Secretary,
Ministry of Petroleum,
New Delhi & 3 others.
Respondents

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ORDER:

Heard Sri B. Devanand, learned counsel for the petitioner and the learned standing counsel for the respondents.

2. The petitioner is a transport contractor for the products of 2nd respondent. The issue in the present writ petition relates to the entrustment of black furnace oil vide Invoice No.1303275530 dated 16.01.2015. The consignment is in favour of Hindustan Coco Cola Beverages Pvt., Ltd., Khurda, Orissa. The disputed circumstances in the case are that the petitioner was advised by the consignee under a certificate to transport

back the consignment to place of origin. The petitioner received communication dated 25.03.2015 informing the petitioner that the alleged samples drawn at the place of consignee failed the test. The fact in issue raised by the petitioner is that at drawing of samples is not as per the procedure stipulated by 4.3.1 of Industry Transport Discipline Guidelines. Therefore, the petitioner through letter dated 28.03.2015 requested respondent No.4 to consider collecting fresh samples and have the samples tested as per the procedure. Hence, the writ petition is filed complaining against the inaction in disposing of the representation dated 28.03.2015.

3. Sri O. Manohar Reddy, learned standing counsel, tries to persuade this Court that the request of the petitioner through letter dated 28.03.2015 does not arise in the facts and circumstances of the case and the probability of change of product in the tanker cannot be ruled out and because of this reason, the representation is not considered. As an objection is raised as noted above, this can not adverts to the objection. In a case the petitioner complains inaction against the respondent in disposing of a representation or appeal, the Court considers the inaction, but not the merits in the complaint.

4. For the above reason, the writ petition is disposed of directing the 4th respondent to consider representation dated 28.03.2015 within a period of one week from the

date of receipt of a copy of this order and communicate his decision.

5. Pending miscellaneous petitions, if any, shall stand closed in consequence. No order as to costs.

S.V. BHATT, J

Date: April 27, 2015.

Note:

Issue C.C. by tomorrow.

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