

Anand Mohan Jha, Proprietor of Shivanandjee HP Gas, Darbhanga, S/o Sri Shushil Kumar Jha, resident of Ramanand Path, New Balbhadrapur, Lahariasarai, Darbhanga, P.S. Laharisarai, District- Darbhanga
 Petitioner/s

1. The Hindustan Petroleum Corporation Limited, through its Chairman-cum-Managing Director having its registered office at 17, Jamshed Jee Tata Road Mumbai -400020
2. The Senior Regional Manager HPCL, LPG Regional Office, 6th Floor, Lok Nayak Jai Prakash Nagar, Dak Bunglow Chowk, Patna-800001
3. The Deputy Manager (Sales), HPCL Purnea Regional Office, Industrial area, District- Purnea.

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate
For the Resp. HPCL : Mr. Rana Randhir Singh, Advocate

2 20-10-2016 Heard learned counsel for the petitioner and
learned counsel for the respondent-Hindustan Petroleum Corporation Limited (HPCL).

The petitioner seeks quashing of the letter dated 13.9.2016 by which the LPG Distributorship of the petitioner in the name and style of M/s. Shivanandjee HP Gas Agency, Darbhanga has been suspended.

The reason for suspension as given in the impugned letter is that on investigation of a complaint received from one Sushil Kumar Jha, it was found that Showroom and Godown lease documents the photograph in the lease deed in Court do not match with Anand Mohan Jha (who claims to be the



proprietor) but matches with the original Anand Mohan Jha in application documents. The petitioner had failed to prove his identity of being Anand Mohan Jha other than PAN Card available with him and no original certificates of his education were available with him which was submitted with the application and also that the photographs submitted during the application is totally different from the person present during FVC, LOI, LOA and in distributorship agreement signed.

Learned counsel for the petitioner submits that the entire action has been taken in violation of the principles of natural justice behind the back of the petitioner and without giving him opportunity to refute the allegations made in the complaint.

In my view, if the statements made in the impugned order of suspension are prima facie taken to be correct, then they would be sufficient grounds for suspension. For the said reason, this Court sees no good reason to interfere with the order of suspension. However, even the suspension of the Distributorship Agency of the petitioner has civil consequences for which the matter requires to be considered and final decision taken by the respondents urgently.

Learned counsel for the respondents submits that



as stated in the impugned letter itself under the Distributorship agreement in Clause 48 provision has been made for arbitration.

This Court is not in agreement with the submission of learned counsel for the HPCL in this regard. It is not open to the HPCL to merely suspend the licence of the petitioner and direct him to approach for arbitration in the matter. A complaint had been received pursuant to which certain investigation have been made and the Distributorship of the petitioner has been suspended, that too as alleged by the petitioner behind his back. If the respondent-authorities of HPCL like to proceed in the matter, then they must give opportunity of hearing to the petitioner and pass a final order unlike an order of suspension which can only be an order of interim nature and it is only against any final order that the petitioner could have grievance for which he may invoke the arbitration clause. The same would apply with greater force in the present matter when the suspension has been effected without giving the petitioner opportunity of being heard.

The writ application is, accordingly, disposed of with the direction to the respondent-HPCL to provide an opportunity of hearing to the petitioner in the matter by producing his documents and other evidence before it and



thereafter pass any appropriate order in accordance with law.

Let the petitioner in this regard file his representation with all necessary documents, etc. before the respondent No.2, the Senior Regional Manager, HPCL, LPG Regional Office, Patna within a period of two weeks from today which shall thereafter be considered and finally decided as directed above within a further period of six weeks thereafter.

The petitioner shall also be entitled to copies of documents or liberty to inspect them if they are voluminous so that he may be able to effectively represent his case in the matter.

(Ramesh Kumar Datta, J)

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