

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.8411 of 2014**

M/s Raj Rejshwari Fuels, a proprietorship firm having its office at Meerapur, Dholi Bazar, Pusa Road, District Muzaffarpur through its proprietor Sri Santosh Kumar S/o Late Harihar Nath Suman resident of Lakridhai, Chandwara, District Muzaffarpur.

.... .... Petitioner

Versus

1. M/s Indian Oil Corporation Ltd., through its Chairman Cum Managing Director having its registered office at Indian Oil Bhawan, G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai - 400051.
2. The General Manager, Bihar State Office, Indian Oil Corporation Ltd. 5th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna - 800001.
3. Dy. General Manager (Retail Sales), India Oil Corporation Ltd. 5th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna - 800001.
4. Senior Divisional Retail Sales Manager (SDRSM), Indian Oil Corporation Ltd., Muzaffarpur Divisional Office, Krishna Complex, Akharaghat Road, Muzaffarpur.

.... .... Respondents

**Appearance :**

For the Petitioner : Mr. Neeraj Kumar Gupta, Advocate

For the Respondents: Mr. Anil Kumar Sinha

Mr. Abhimanyu Deo

Mr. Amlesh Kr. Verma, Advocates

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 04-02-2016**

The present writ petition has been filed for quashing the order dated 28.02.2013 (Annexure-7) issued vide Memo No. MDO/MDG by respondent no. 4 whereby and whereunder the dealership of the petitioner has been terminated, and for connected reliefs.

2. Learned counsel for the petitioner submits that adequate upliftment of the products (MS/HSD) could not be made by the petitioner owing to difficulty being faced by reason of serious illness of his father, who subsequently died in the year 2012. As such, he

submits that the termination order is unjustified. It is further stated that no target quantity for upliftment of the products had been specified in the agreement between the parties and as such it cannot be said that the petitioner has committed any default. A representation has also been filed before the Senior Divisional Retail Sales Manager on 08.03.2013 (Annexure-8) which, however, remains pending.

3. Learned counsel for the respondent-Corporation, on the other hand, submits that no fault can be found with the impugned order of termination dated 28.02.2013 which has been passed after grant of proper opportunity to the petitioner and after considering the show cause filed by it. The impugned order itself indicates that the business operation of the petitioner was found to be ex facie unsatisfactory in the matter of quantity of upliftment of MS/HSD over the past several years, which clearly showed that the petitioner has not been able to subserve the very purpose of the dealership awarded to it.

4. Having regard to the stand of the parties, this Court is not inclined to interfere in the matter. The present writ petition is, however, disposed of with liberty to the petitioner to file a fresh representation before the respondent-Corporation for redressal of its grievances in accordance with law.

B.T/-

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**(Vikash Jain, J)**