

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1853 Of 2007**

1. Smt. Sonia Tandon, W/o Virendra Tandon, Aged about 31 years
2. Shankar Lal Tandon S/o Shri Darsan Tandon, Aged about 38 years,

Both R/o. Shankar Nagar, Raipur, Maintenance & Handling (M.H)
Contractor for I.B.P. Company Limited under the name and styled M/s.
Sonia Tandon. **---- Petitioners**

Versus

1. Union Of India, Through the Secretary, Oil & Natural Gas, Shastri Bhawan, New Delhi.
2. The Chairman, Indian Oil Corporation Limited, having Office at Nirmal Chandra Street, Calcutta – 700 013.
3. The General Manager, Indian Oil Corporation Limited, Western Region, Seori Terminal, K. Oil Installation Seori, East Mumbai – 400 015.
4. The Divisional Manager, Indian Oil Corporation Limited, Divisional Office at Ground Floor, Chawla Tower, Miradattar Road, Shankar Nagar, Raipur. **---- Respondents**

And**WPC No. 1863 Of 2007**

- Madan Lal Agrawal, S/o Ghasiram Agrawal, Aged About 55 Years R/o. Main Road, Janjgir, District Janjgir Champa (C. G.) Maintenance & Handling (M & H) Contractor For I. B. P. Company Limited. **---- Petitioner**

Vs

1. Union Of India, Through The Secretary, Oil & Natural Gas, Shastri Bhawan, New Delhi.
2. The Chairman, Indian Oil Corporation Limited, Having Office At Nirmal Chandra Street, Calcutta 700 013
3. The General Manager, Indian Oil Corporation Limited, Western Region, Seori Terminal, K. Oil Installation Seori, East Mumbai 400 015,
4. The Divisional Manager, Indian Oil Corporation Limited, Divisional Office At Ground Floor, Chawla Tower, Miradattar Road, Shankar Nagar, Raipur

---- Respondents

For Petitioners	:	Shri Manoj Paranjpe & Shri Sanjay Agrawal, Advocates
For Respondent/UOI	:	Shri Ramakant Pandey, P.L.
For Respondent/IOCL	:	Shri Nilendu Naha Roy, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

29/08/2016

1. In these two writ petitions, the petitioners are the owners of the land on which, as per the scheme floated by the respondent – Oil Company, a petroleum outlet was established under the Company Owned Company Operated (COCO in brevity) scheme. Thereafter, the petitioners were appointed as Maintenance and Handling Contractors to run the retail outlet under COCO scheme. The COCO scheme was later on withdrawn, which was subject matter of challenge, ultimately settled by the Supreme Court in the matter of ***Mohd. Jamal v. Union of India and another, (2014) 1 SCC 201.***
2. Learned counsel for respondent – Oil Company would submit that in view of law laid down in the matter of **Mohd. Jamal** (supra), the writ petitions deserve to be dismissed. On the contrary, learned counsel for the petitioners would contend that the issue concerning divestment of Company Owned Company Operated (COCO) including temporary COCO have been kept on hold till review of policy dated 06.09.2006 is done by the Ministry of Petroleum and Natural Gas, Government of India and a letter to the said effect has been issued by the concerning Department of the Government of India on 28th July, 2014, therefore, despite judgment in the matter of **Mohd. Jamal** (supra), neither the petitions deserve to be dismissed outrightly nor the petitions have been

rendered infructuous.

3. In these two writ petitions, this Court has granted interim orders in favour of petitioners which are still operative and the petitioners are continuing as Maintenance and Handling Contractors, therefore, any outright dismissal of the petitions would affect their livelihood.
4. Having heard learned counsel for the parties, it would appear that the Supreme Court has held that doctrine of promissory estoppel and legitimate expectation are not applicable to these cases and the Maintenance and Handling contractors/landowners are not entitled to grant of a permanent dealership. The Supreme Court thus negated the claim of the land owners for grant of dealership, therefore, they cannot claim to function as Maintenance and Handling Contractors. However, the matter has been rested here because subsequent to the decision of the Supreme Court, the Central Government itself has decided to revisit the policy dated 06.09.2006 and the learned counsel for Oil Company would inform, on instructions, that such review has not yet taken place.
5. For the foregoing, the writ petitions are disposed of with observation that the petitioners have no right to claim dealership of the petroleum outlet. However, till the policy is reviewed by the Central Government, the interim orders passed in these cases shall continue in their favour and the petitioners would be bound by the policy decision taken by the Central Government, one way or the other. In the event of any adverse decision, the petitioners will be at liberty to move afresh.
6. Writ petitions stand disposed of.

Sd/-
Judge
(Prashant Kumar Mishra)