

CWP No.20697 of 2015

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.20697 of 2015
Date of decision:22.11.2016**

M/s Goraya Service Station

...Petitioner

Versus

Indian Oil Corporation Limited and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Rakesh Gupta, Advocate,
for the petitioner.

Mr. Ashish Kapoor, Advocate,
for the respondents.

Rakesh Kumar Jain, J. (Oral)

The petitioner-firm was constituted by two partners, namely, Rattan Singh and Major Lahori Ram Randev to the extent of 50% share each. Rattan Singh expired on 26.10.1980 and the petitioner-firm was reconstituted by inducting his widow Baldev Kaur and son Charanjit Singh to the extent of 25% share each, whereas 50% share of Major Lahori Ram Randev remained intact. The aforesaid re-constitution of the petitioner-firm with the new partners was approved by the Indian Oil Corporation Limited (hereinafter referred to as the “respondent-Corporation”) on 21.03.1991. However, in the meantime, Major Lahori Ram Randev decided to retire from the partnership firm on 05.11.1990 on the ground of his old age. The application filed in this regard, for the purpose of reconstitution of the petitioner-firm, has allegedly been declined by the respondent-

Corporation, vide order dated 06.02.1992 on the ground that as per the policy of reconstitution of the dealership, 5 years gap has to be there between the earlier reconstitution. The stand of the respondent-Corporation was that since the reconstitution had taken place in the year 1991, therefore, it can again take place in the year 1996 and not in the year 1991, as prayed by Major Lahori Ram Randev.

The petitioner is, however, aggrieved against the order dated 10.09.2015 (Annexure P-1), which has been challenged in the present petition, as per which permission to reconstitute the petitioner-firm has been rejected by the respondent-Corporation.

Counsel for the respondent-Corporation has submitted that as per the policy, in case Major Lahori Ram Randev has opted to retire from the partnership firm, he has to submit his relinquishment deed in case he is alive and if he is no more in this world, then legal heirs of the said partner have to come forward with their relinquishment deeds in favour of the existing partners/proprietor.

Counsel for the petitioner has submitted that unfortunately Major Lahori Ram Randev has expired and after his death, his wife and son have filed their respective affidavits relinquishing their rights in the partnership firm.

It is further stated that the application for reconstitution of the partnership firm was submitted to the respondent-Corporation along with affidavits of the widow and son of Major Lahori Ram Randev but the said application has been returned by the respondent-Corporation.

During the course of hearing, Shri Kapoor, learned counsel

CWP No.20697 of 2015

[3]

appearing on behalf of the respondent-Corporation has submitted that in case evidence is produced by the petitioner about relinquishment of their rights, which have devolved upon the legal heirs of Major Lahori Ram Randev after his death, the same shall be considered by the respondent-Corporation in terms of the provisions of the reconstitution policy and necessary order shall be passed.

Keeping in view the stand taken by the respondent-Corporation, the present petition is hereby disposed of with a direction that in case the petitioner files an application to the respondent-Corporation for reconstitution of the partnership firm with the evidence of relinquishment of their rights by the legal heirs of Major Lahori Ram Randev, the same shall be considered by the respondent-Corporation in accordance with the policy expeditiously, preferably within a period of one month from the date of receipt thereof, and pass an appropriate order, in accordance with law.

November 22, 2016
vinod*

(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned:	Yes/No
Whether Reportable:	Yes/No